

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

08/21/2020

Clerk of the
Appellate Courts

IN RE: BENJAMIN DEMPSEY, BPR #009041

An Attorney Licensed to Practice Law in Tennessee
(Carroll County)

No. M2020-01091-SC-BAR-BP
BOPR No. 2017-2763-7-KH

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline against Mr. Dempsey on August 16, 2017; upon the Answer to Petition for Discipline filed by Mr. Dempsey on October 20, 2017; upon the Supplemental Petition filed against Mr. Dempsey on December 5, 2018; upon the Answer to the Supplemental Petition filed by Mr. Dempsey on March 13, 2019; upon the Conditional Guilty Plea filed by Mr. Dempsey on January 9, 2020; upon the Order Recommending Approval of Conditional Guilty Plea entered by the Hearing Panel on January 9, 2020; upon service of the Order Recommending Approval of Conditional Guilty Plea by the Executive Secretary of the Board dated January 10, 2020; upon consideration and approval by the Board on January 28, 2020; upon the Order Recommending Approval of Revised Conditional Guilty Plea; upon the Supreme Court's Order rejecting the previously proposed Order of Enforcement as too lenient; upon Mr. Dempsey's revised Conditional Guilty Plea submitted on July 17, 2020; upon the Hearing Panel entering its Order Recommending Approval of Conditional Guilty Plea on July 22, 2020; upon the Executive Secretary of the Board forwarding a copy of the Order Recommending Approval of Conditional Guilty Plea to Mr. Dempsey on July 22, 2020; upon the Board of Professional Responsibility approving the Order of the Hearing Panel by Board Ballot on August 5, 2020; and upon the entire record in this cause.

From all of which the Court approves the Order of the Hearing Panel and adopts the Hearing Panel's Order Recommending Approval of Revised Conditional Guilty Plea as the Court's Order.

On August 16, 2018, Mr. Dempsey was temporarily suspended by this Court pursuant to Tenn. Sup. Ct. R. 9, § 12.3 (M2018-01482-SC-BAR-BP). To date, Mr. Dempsey has not requested, nor been granted reinstatement.

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

(1) Benjamin Dempsey is suspended from the practice of law for five (5) years, pursuant to Tenn. Sup. Ct. R. 9, § 12.2, with three (3) years active, and the remainder on probation. Mr. Dempsey's active suspension shall be retroactive to August 16, 2018, pursuant to Tenn. Sup. Ct. R. 9, § 12.2(b). Mr. Dempsey's probation is subject to the following conditions:

(a) Mr. Dempsey, at his cost, if any, shall engage the services of a Practice Monitor who shall be selected and approved in accordance with Tenn. Sup. Ct. R. 9, § 12.9(c). The Practice Monitor shall meet with Mr. Dempsey monthly and assess Mr. Dempsey's case load, case management, trust account, compliance with trust account rules, accounting procedures, and office management procedures, in accordance with Tenn. Sup. Ct. R. 9, § 12.9(b). The Practice Monitor shall provide a monthly written report of Mr. Dempsey's trust accounting to Disciplinary Counsel.

(b) During the period of active suspension and probation, Mr. Dempsey shall incur no new complaints of misconduct that relate to conduct occurring during the period of suspension and probation and which results in the recommendation by the Board that discipline be imposed.

(2) In the event Mr. Dempsey fails to meet any condition of probation, the probation may be revoked pursuant to Tenn. Sup. Ct. R. 9, § 14.2.

(3) Prior to seeking reinstatement, Mr. Dempsey must have met all CLE requirements; have remitted all outstanding registration fees and outstanding professional privilege taxes, including those due from the date of this suspension until the date of reinstatement; and have remitted all court costs and Board costs in this matter.

(4) Further, the Order of Temporary Suspension entered on August 16, 2018, in M2018-01482-SC-BAR-BP is hereby dissolved.

(5) Additionally, Mr. Dempsey 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.

(6) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1, this Order shall be effective upon entry.

(7) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Dempsey shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$3,124.81. Mr. Dempsey shall pay the amount of Five Hundred and No/100 Dollars (\$500.00) per month, for five (5) months, on the first day of each month after the entry of the Supreme Court's Order of Enforcement, and \$624.81 on the first day of the sixth month after the entry of the Supreme Court's Order of Enforcement. In the event Mr. Dempsey

fails to make any payment as required herein, the Board may reopen its disciplinary file and conduct further proceedings pursuant to Tenn. Sup. Ct. R. 9, § 12.8.

(8) 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