

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

FILED

2011 OCT 25 AM 11:56

BOARD OF PROFESSIONAL
RESPONSIBILITY

CEW
EXEC. SEC'Y

IN RE: HILLARY ELLEN DEWHIRST, BPR NO. 22760

FILE NO. 34305-2-RW

Respondent, an attorney licensed
to practice law in Tennessee
(Knox County)

PUBLIC CENSURE

The above complaint was filed against Hillary Ellen Dewhirst, an attorney licensed to practice law in Tennessee, alleging certain acts of misconduct. Pursuant to Supreme Court Rule 9, the Board of Professional Responsibility considered these matters at its meeting on September 9, 2011.


Respondent was appointed on cases as a Guardian Ad Litem for the Knox County Juvenile Court and billed the Administrative Office of the Courts (AOC) for these services. Respondent discovered in 2010 that she should not have billed the AOC for services of a non-lawyer assistant from the fall of 2007 to the fall of 2010, since such compensation is not permitted pursuant to Tennessee Supreme Court Rule 13. On her fee claim, Respondent included her assistant's time, but did not identify it as such. Respondent was paid from the AOC's indigent defense fund based on her fee claims. In July 2011, representatives of the AOC met with Respondent about an audit of her billings it had conducted. As a result of that audit, Respondent self-reported to the Board.

Respondent was unaware prior to 2010 that Rule 13 did not permit compensation for a non-lawyer assistant. Respondent immediately discontinued the practice once she realized her

error. However, she did not make the AOC aware that she had billed for a non-lawyer assistant until they met with her in July 2011. Respondent has agreed to make \$19,538 restitution to the AOC for this overpayment. The above conduct violates Rules of Professional Conduct 8.4(a),(c), and (d).

By the aforementioned acts, Hillary Ellen Dewhirst has violated Rule of Professional Conduct 8.4(a), (c), and (d) (Misconduct), and is hereby Publicly Censured for these violations.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY



Lela M. Hoffabaugh, Chair

October 19, 2011

Date