



BOARD OF PROFESSIONAL RESPONSIBILITY
of the
SUPREME COURT OF TENNESSEE

1101 KERMIT DRIVE, SUITE 730
NASHVILLE, TENNESSEE 37217
TELEPHONE: (615) 361-7500
(800) 486-5714
FAX: (615) 367-2480
E-MAIL: ethics@tbpr.org
Website: www.tbpr.org

RELEASE OF INFORMATION
IN RE: THOMAS F. DILUSTRO, BPR # 18624
CONTACT: WILLIAM W. HUNT, III
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

November 1, 2005

KNOXVILLE ATTORNEY CENSURED

On October 24, 2005 the Board of Professional Responsibility issued a public censure as to Thomas F. DiLustro, an attorney who practices law in Knoxville. By agreement, Mr. DiLustro accepted the censure. The Board found Mr. DiLustro to have violated DR 1-102(A)(1),(4), and (5), 5-105(A), 7-102(A)(6) and 7-104(A) of the Code of Professional Responsibility, the ethics rules governing attorneys at the time of the violations.

On May 22, 2001, Judge Carey E. Garrett, Knox County Juvenile Judge, appointed Mr. DiLustro to represent a female client in a dependency and neglect proceeding regarding her daughter. One of the issues in the case is the fitness of Mr. DiLustro's client as a parent. Mr. DiLustro was appointed a second time in August 2002. (Both times Mr. DiLustro's client lost custody.) At some point during the Summer of 2002, Mr. DiLustro had a 3-day sexual relationship with his client. Shortly after that relationship, the client discovered she was pregnant.

The client reported to the volunteer from CASA that she had slept with Mr. DiLustro and that she thought he might be the father of her child. Mr. DiLustro did not believe the child to be his and denied the sexual relationship. He did withdraw from representing the client. Judge Garrett called Mr. DiLustro into his chambers and inquired of Mr. DiLustro as to any sexual relationship. Mr. DiLustro denied to the judge any such relationship. After the child was born, Mr. DiLustro filed a Petition to establish paternity of the child. He subsequently took a DNA test which established he was not the father. Mr. DiLustro also filed a self-report with the Board concerning these events.

This censure does not prevent Mr. DiLustro from continuing to practice law.

PLEASE NOTE

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