

FILED

APR 29 2003

Clerk of the Courts

**IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE**

In Re: Joe W. Ellis, II, BPR #17967
An Attorney Licensed to Practice Law in Tennessee
(Davidson County)

BOPR Docket No. 2001-1267-5-CH
No. M2003-01011-SC-BPO-BP

ORDER OF ENFORCEMENT

The Board of Professional Responsibility of the Supreme Court of Tennessee, by and through Disciplinary Counsel, filed a Petition for Discipline against the Respondent, Joe W. Ellis, II, on October 31, 2001.

Pursuant to Tennessee Supreme Court Rule 9, §16.1, respondent submitted a Conditional Guilty Plea in exchange for a stated form of discipline. A copy of the Conditional Guilty Plea is attached as Exhibit A and is incorporated herein. The Conditional Guilty Plea was approved by the Board of Professional Responsibility.

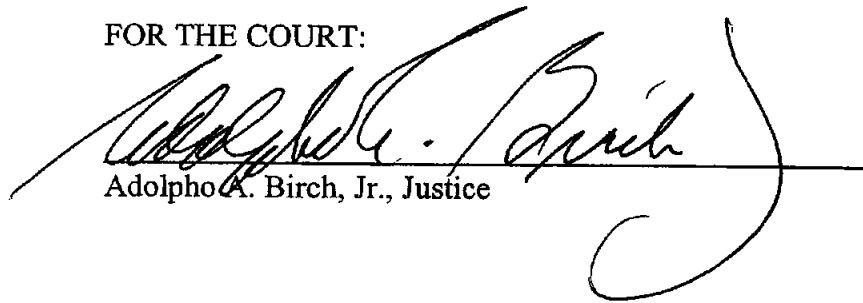
It is, therefore, **ORDERED, ADJUDGED and DECREED** that:

1. The Respondent shall be suspended from the active practice of law for eleven months and twenty-nine days beginning on February 9, 2001, the date upon which respondent voluntarily ceased the practice of law. The Respondent shall practice law on probation for a period of two (2) years following reinstatement.
2. The Respondent shall meet the following requirements and conditions during the remaining period of probation:
 - (a) Shall fully comply with the provisions of paragraphs 12.-14. of the Conditional Guilty Plea submitted in this cause.

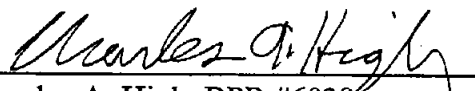
3. Respondent, pursuant to Section 24.3, Rule 9 of this Court, shall reimburse and pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of one thousand, five hundred and forty-six dollars and ten cents (\$1,546.10.) In addition, Respondent shall pay the Clerk of this Court the costs incurred therein, for all of which execution shall issue if necessary.

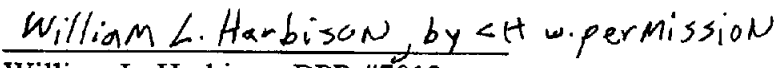
IT IS SO ORDERED.

FOR THE COURT:


Adolpho A. Birch, Jr., Justice

APPROVED FOR ENTRY:


Charles A. High, BPR #6038
Disciplinary Counsel
1101 Kermit Drive, Suite 730
Nashville, Tennessee 37217
(615) 361-7500


William L. Harbison, BPR #7012
Counsel for Respondent
Sherrard and Roe, PLC
424 Church Street, Suite 2000
Nashville, TN 37219
(615) 742-4200

**IN DISCIPLINARY DISTRICT V
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**

**In Re: Joe W. Ellis, II
Respondent, An Attorney
Licensed to Practice Law
in Tennessee, BPR No. 17967**

**B.O.P.R. Docket No. 2001-1267-5-CH
File No. 23595-5-CH**

CONDITIONAL GUILTY PLEA

Comes now the Respondent, Joe W. Ellis, BPR No. 17967, pursuant to Section 16.1 of Tennessee Supreme Court Rule 9, and tenders this Conditional Guilty Plea showing the Board as follows:

1. Respondent has been served with a Petition for Discipline in this case which he has read and which he understands. Respondent is represented by Attorney William L. Harbison.
2. Respondent is aware that he is entitled to a hearing on charges set forth in the Petition for Discipline before a Hearing Committee.
3. Respondent is aware that he is entitled to make appeals of the Hearing Committee decision to the Chancery and Circuit Courts and to the

EXHIBIT
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Supreme Court of Tennessee if he is dissatisfied with the decision of the lower tribunal.

4. Respondent desires to specifically waive such hearing and appeals provided this Conditional Guilty Plea is accepted by the Board of Professional Responsibility and the Supreme Court of Tennessee.
5. Respondent is aware that should he desire a hearing as to the charges set forth in the Petition for Discipline, he would have the right to testify and present evidence in his own behalf including the right to subpoena witnesses in his favor and to cross-examine witnesses testifying against him, however, he desires to waive those rights and submit this conditional plea.
6. Respondent enters this conditional plea freely and voluntarily, without being subjected to coercion or duress, and he is aware of the implications of submitting this Conditional Guilty Plea.
7. Respondent admits his guilt of violating DR 1-102(A)(1)(5) and (6) as set forth in the Petition for Discipline.
8. Respondent's misconduct is mitigated by the absence of a prior disciplinary record, by full and free disclosure to the Board of the misconduct, by a cooperative attitude toward disciplinary proceedings and by Respondent's remorse for his actions. It is also mitigated by the fact that respondent was suffering from a mental condition, major depression, and that he has sought medical treatment that has successfully

alleviated the condition.

9. Respondent has made restitution to his former law firm, Gideon and Wiseman, in an agreed amount of \$5,676.00.
10. Respondent shall pay the costs in this case.
11. If approved, the discipline or stated form of punishment shall be that the Respondent shall be suspended from the practice of law for a fixed period of 11 months, 29 days commencing February 9, 2001, the date upon which Respondent voluntarily ceased the practice of law.
12. Respondent shall practice law on probation for a period of two (2) years following reinstatement. During the probationary period respondent shall comply fully with a monitoring/advocacy agreement with the Tennessee Lawyers Assistance Program. (A copy of the agreement is attached to the Conditional Guilty Plea as Exhibit A. The terms are incorporated into the plea as if copied herein.)
13. Respondent shall remain in treatment with his medical doctor, Richard E. Rochester, during the probationary period. Respondent shall follow treatment recommended by Dr. Rochester. Respondent shall take medications prescribed by Dr. Rochester.
14. Respondent understands and agrees that his failure to comply with the terms of probation may result in the filing of a petition to temporarily suspend his law license under Tennessee Supreme Court Rule 9, Section 4.3.
15. In the event this conditional plea is not accepted and approved by the

Board of Professional Responsibility, it shall be considered void and of no effect.

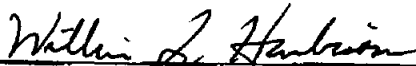
This Conditional Guilty Plea has been executed on the 11 day of

DECEMBER, 2002, by the respondent



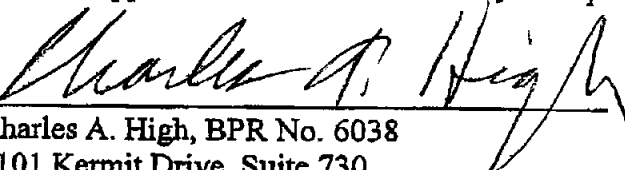
Joe W. Ellis, II, BPR No. 17967

This Conditional Guilty Plea is hereby submitted by William L. Harbison, attorney for the respondent, for approval of the stated form of discipline.



William L. Harbison, BPR No. 7012
Sherrard and Roe, PLC
424 Church Street, Suite 2000
Nashville, TN 37219

This Conditional Guilty Plea is approved and recommended by Disciplinary Counsel.



Charles A. High, BPR No. 6038
1101 Kermit Drive, Suite 730
Nashville, TN 37217

Client I.D. #:6303

**TENNESSEE LAWYER'S ASSISTANCE PROGRAM
MONITORING/ADVOCACY AGREEMENT**

This agreement, entered into on 12/5/2002, by and between Jan Ellis, hereinafter referred to as the "Client" and the Tennessee Lawyer's Assistance Program, hereinafter referred to as "TLAP".

It is understood and agreed by both parties that the Client is an impaired member of the legal profession pursuant to Rule 33 of the Rules of the Supreme Court of Tennessee. That said Client suffers from substance abuse, chemical dependency and/or a mental disorder, which has jeopardized the Client's license to practice law and/or Client's ability to practice or serve. That it is the purpose of TLAP to assist the Client in retaining or regaining Client's right to practice law, while ensuring to the extent possible, that the Client is continuing to follow through with a recommended course of treatment and a program of recovery, so that the Client does not pose a threat to him or herself or the public. That TLAP provides monitoring services to Designated Organizations, in this case The Board of Professional Responsibility, by providing the Client support, structure and accountability in furtherance of Client's recovery efforts and will advocate on behalf of the Client to the Designated Organization so long as the Client maintains compliance with the terms and conditions of this Agreement. While it is understood that this is a voluntary agreement, and that TLAP cannot ensure the Client's recovery but only assist Client in Client's efforts to recover, TLAP stands ready to help with any special problems that may develop during the term of this Agreement. It is, however, the responsibility of the Client to make TLAP aware of any such problem as soon as it may arise.

In consideration of the monitoring and advocacy services to be provided by TLAP, the Client agrees as follows:

- 1) To participate in a complete clinical assessment, within 30 days, to be conducted by Ted A. Rice, M.Ed., NCC, 615-248-8306. The results of the assessment and recommendations shall be delivered to Robert Albury, Jr., J.D., Executive Director, Tennessee Lawyer's Assistance Program, 221 4th Ave. North, Suite 450, Nashville, TN 37219.
- 2) To comply with and successfully complete any recommended course of treatment and/or therapy as determined by the aforementioned assessment.
- 3) To participate in alcohol/drug screenings at a designated lab and arrive at the designated screening site within six (6) hours of notification. Client shall be responsible for receiving notification. The cost of random alcohol/drug screenings shall be the responsibility of the Client. The results of all alcohol/drug screenings shall be provided by designated lab directly to TLAP.
- 4) To remain abstinent from alcohol as well as all other mind or mood altering substances, except as prescribed in writing by Client's primary physician/psychiatrist. Client's primary physician/psychiatrist will be provided complete disclosure by the Client of Client's substance abuse, chemical dependency and/or mental disorder. TLAP must have the name of Client's current primary care physician/psychiatrist on record at all times.
- 5) To notify TLAP, in writing, of any medications to be taken.
- 6) To actively participate in the following self-help programs and/or therapeutic groups throughout the duration of this Agreement: TBD.
- 7) To submit monthly calendar to TLAP documenting attendance at treatment, therapy and/or the designated 12-step program(s) TBD.
- 8) To be assigned a Monitor by TLAP. The Client shall be responsible for contacting Monitor and establishing a relationship consisting of not less than weekly telephone contact and a monthly face to face report as to the Client's progress in Client's personal program of recovery and compliance with this Agreement. The Client will continue to report to Monitor on a regular basis throughout the duration of this Agreement.

- 9) To be responsible for all documentation and reports being delivered to TLAP and for providing written consent for the release of all information and medical records required to comply with this Agreement.
- 10) Herby consent to the release of information and documentation by TLAP to Designated Organization in order that TLAP may effectively provide monitoring services. TLAP having relied upon Client's consent in entering into this Agreement.
- 11) To notify TLAP of any change of address, phone number or employment and appear when requested.
- 12) If at any time during this Agreement the Client fails to comply with any of the terms and conditions, Client will be in direct breach of this Agreement and it will be solely within the discretion of TLAP's Director whether Client's non-compliance shall result in termination of this Agreement and/or notification to the Designated Organization.
- 13) The initial term of this Agreement shall be for 2 years.

Agreed and entered into:

CLIENT

Joelle

Date: 12/12/02

Address: Po Box 121086
NASHVILLE TN 37212

Phone: (home)
(work) 615-417-4510

E-mail: JOEWELLIS@HOTMAIL.COM

TLAP:

Robert E. Abney, Jr.

Date: 12/12/02

Robert E. Abney, Jr., J.D., CADC
Executive Director

Note: A) Identify Monitor when established:

Name: TRD
Address:

Phone Number:
E-mail:

B) Identify Contact Person at Designated Organization:

Name: Charles A. High, Jr.
Disciplinary Counsel
Board of Professional Responsibility
Address:

*TRD: these requirements are to be determined by records of clinical assessment

I, Cecil Crowson, Jr. Clerk, hereby certify that this is a true and exact copy of the original filed in the cause.

This 29 day of April, 2003
CLERK OF COURT

By: *[Signature]*

RECORDED

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