

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

IN RE: Harvey Randolph Fallin, BPR No. 015127
Respondent, an attorney licensed
to practice law in Tennessee
(Johnson County)

FILE No. 68567-1-ES

PUBLIC CENSURE

The above complaint was filed against Harvey Randolph Fallin, an attorney licensed to practice law in Tennessee, alleging certain acts of misconduct. Pursuant to Tenn. Sup. Ct. R. 9, the Board of Professional Responsibility considered this matter at its meeting on June 10, 2022.

Mr. Fallin represented a man charged with first degree murder, and he also represented the man's wife who was charged with conspiracy to commit the same murder. Mr. Fallin did not have a written fee agreement with his two clients, and he did not otherwise discuss with them the potential conflict of interest in representing both of them. There was a significant risk that Mr. Fallin's representation of the wife would be materially limited by his representation of the man charged with the murder.

Mr. Fallin's daughter worked in his law office, and she agreed to act as the legal representative under a power of attorney for the two clients in exchange for payment. In her position as the power of attorney, Mr. Fallin's daughter sold possessions for the two clients and made payments on their behalf. She made at least one payment to Mr. Fallin for legal expenses. At no time did Mr. Fallin discuss with his clients the business relationship they entered with his daughter as power of attorney. Mr. Fallin was aware of his daughter's conduct as addressed in

Rule of Professional Conduct 5.3 (responsibilities regarding nonlawyer assistance).

By the aforementioned acts, Harvey Randolph Fallin has violated Rules of Professional Conduct 1.7(c)(2) (conflict of interest), 1.8(a) (conflict of interest, business relationship), and 8.4(d) (prejudice to the administration of justice) and is hereby Publicly Censured for these violations.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY



Floyd Flippin, Chair

7.13.22

Date