



BOARD OF PROFESSIONAL RESPONSIBILITY
of the
SUPREME COURT OF TENNESSEE

LANCE B. BRACY
CHIEF DISCIPLINARY COUNSEL

LAURA L. CHASTAIN
DEPUTY CHIEF DISCIPLINARY COUNSEL

BEVERLY P. SHARPE
CONSUMER COUNSEL DIRECTOR

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

WILLIAM W. HUNT, III
CHARLES A. HIGH
SANDY GARRETT
JESSE D. JOSEPH
JAMES A. VICK
THERESA M. COSTONIS
DISCIPLINARY COUNSEL

RELEASE OF INFORMATION
RE: CLAIBORNE H. FERGUSON, BPR # 20457
CONTACT: JESSE D. JOSEPH
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

December 15, 2004

MEMPHIS LAWYER CENSURED

Claiborne H. Ferguson, of Memphis, was publicly censured by the Board of Professional Responsibility on November 29, 2004. The censure was issued by the Board pursuant to Rule 9, Section 8 of the Rules of the Tennessee Supreme Court. Ferguson did not request a hearing on the matter.

In one complaint filed against Ferguson, the Board found that he improperly threatened to file criminal charges of theft of services against a client who had not paid all attorney fees due. Moreover, the Board found the client's failure to pay attorney fees when due in this instance did not rise to the level of criminal fraud so as to constitute theft of services, and that Ferguson's remedy should have been civil in nature for an alleged breach of contract. The Board also concluded that Ferguson's threats to present criminal charges against this former client and to have the client's judicial diversion revoked in the very case in which he obtained this result for the client, were made to gain an advantage in his civil dispute with the client.

JDJ:mw

Ferguson 27291 rel.doc