

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

IN RE: A. SAIS PHILLIPS FINNEY, # 028845
Respondent, an attorney licensed
to practice law in Tennessee
(Davidson County)

FILE NO. 61556-5-ES

PUBLIC CENSURE

The above complaint was filed against A. Sais Phillips Finney, 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 these matters at its meeting on December 13, 2019.

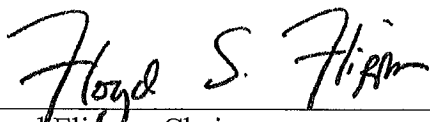
Ms. Finney was hired by a client to represent her in the rehearing of a custody matter in juvenile court. The client paid Ms. Finney \$3,500. After two preliminary hearings, the request for rehearing was withdrawn by the father of the children prior to the scheduled trial. Ms. Finney told her client in person that she would seek reimbursement of the attorney fees against the father. Ms. Finney, however, did not file a motion for the client's attorney fees, and she failed to respond to at least two requests in writing by her client to provide an affidavit to assist the client in seeking reimbursement of the fees.

The client filed a *pro se* request for reimbursement of the fees, and the court ordered Ms. Finney to "provide [an] affidavit of fees and signed retainer letter directly to the Court." Ms. Finney did not respond in any way to this directive by the court, and the client's request for fees against the father was eventually dismissed.

Ms. Finney's failure to comply with the court's order to provide an affidavit of her fees is in violation of Rules 1.3 (diligence), 3.4(c) (fairness to opposing party and counsel) and 8.4(d) (prejudice to the administration of justice) for disobeying an obligation under the rules of a tribunal. Ms. Finney's failure to respond to written requests from her client to provide an affidavit of her fees is in violation of Rules 1.3 and 1.4 (communication). Ms. Finney is in violation of Rule 1.16 (termination of representation) for failing to protect her client's interests upon her withdrawal from the representation. The client suffered potential harm in her ability to have her claim for attorney fees considered on the merits.

By the aforementioned acts, Ms. Finney has violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.16 (termination of representation), 3.4(c) (fairness to opposing party and counsel), and 8.4(d) (prejudice to the administration of justice) and is hereby Publicly Censured for this conduct.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY



Floyd Flippin, Chair

1/28/20

Date