



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@tbnr.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: EARNEST E. FIVEASH, JR., BPR #10769
CONTACT: LAURA L. CHASTAIN
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

January 3, 2003

LAW LICENSE OF MEMPHIS ATTORNEY SUSPENDED

On December 31, 2002, the Supreme Court of Tennessee entered an order suspending the law license of Earnest E. Fiveash, Jr., for a period of four months beginning January 1, 2003.

Fiveash agreed to act as a fiduciary and to hold in safekeeping a wire transfer from an investor in an investment scheme offered by his client. The investor was under the impression that Fiveash was only allowed to remove the funds against the exchange of a prescribed security. Thereafter Fiveash wired money from his trust account to Spain including the \$500,000.00 which was the investor's money. The investor then complained that he received neither any part of the security nor return of his funds. Fiveash used his trust account to facilitate an investment fraud in violation of DR 1-102(A)(1)(2)(3)(4)(5)(6) and DR 9-102(A)(B) of the Code of Professional Responsibility.

Disciplinary Counsel filed a petition for discipline pursuant to Rule 9, Rules of the Supreme Court of Tennessee. Mr. Fiveash submitted a conditional guilty plea pursuant to Section 16.1 of Tennessee Supreme Court Rule 9 in exchange for a stated form of discipline. The stated form of discipline shall be that Fiveash shall be suspended from the practice of law for a period of four months; and shall, at his cost, attend the Board of Professional Responsibility's Ethics Workshop for the year 2003; and shall have a monitor acceptable to Disciplinary Counsel who shall monitor his trust account for a period of one year with quarterly reports to Disciplinary Counsel on March 1, 2003; June 1, 2003; September 1, 2003, and January 1, 2004. The Supreme Court further ordered that Fiveash shall pay the cost of the matter.

This disciplinary matter was held pursuant to Supreme Court Rules 8 and 9. This suspension shall remain in effect until May 1, 2003.

From January 1, 2003 until May 1, 2003, Mr. Fiveash shall not use any indicia of lawyer, legal assistant or law clerk, nor maintain a presence where the practice of law is conducted. Section 18 of Tennessee Supreme Court Rule 9 requires Mr. Fiveash to notify all clients that are being represented in pending matters; all counsel and opposing counsel of the Supreme Court's order suspending him. Section 18 also requires Mr. Fiveash to deliver to all clients all papers or property to which they are entitled.

LLC:mw

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