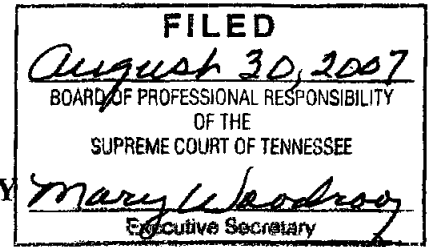


IN DISCIPLINARY DISTRICT IX  
OF THE  
BOARD OF PROFESSIONAL RESPONSIBILITY  
OF THE  
SUPREME COURT OF TENNESSEE



IN RE:        **ROBERT B. GAIA, BOPR #16695**  
                 **Respondent. An Attorney Licensed**  
                 **to Practice Law in Tennessee**  
                 **(Shelby County)**

FILE NOS. 29833-9-JJ  
                 30006-9-JJ

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**PUBLIC CENSURE**

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Two recent disciplinary complaints filed against respondent were considered by the Board at its June, 2007 meeting. Upon due consideration, the Board determined that issuance of a Public Censure was appropriate.

**FILE NO. 29833-9-JJ**

In this matter, respondent was appointed to represent a complainant in this client's post-conviction proceeding after a 1st Degree Murder conviction, and on May 31, 2005, the post-conviction court denied relief. Respondent timely filed a notice of appeal to the Court of Criminal Appeals and on August 4, 2006, the Court of Criminal Appeals affirmed the trial court's dismissal of the petition. Respondent knew the deadline for the application for permission to appeal to the Tennessee Supreme Court was due October 2, 2006, and that if he did not desire to file such, that the deadline for him to move to withdraw before the Court of Criminal Appeals was 14 days after August 4, 2006. Respondent did not file the application for permission to appeal to the Tennessee Supreme Court nor did he file a motion to withdraw before the Court of Criminal Appeals as required by Tennessee Supreme Court Rule 14. Further, respondent did not send the complainant the file nor did he inform the complainant of the Court of Criminal Appeals' August 4, 2006

decision. The complainant learned of the August 4, 2006 decision on December 3, 2006 while in the prison law library.

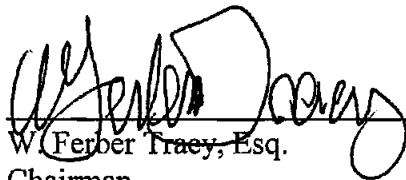
**FILE NO. 30054-9-JJ**

In this matter, respondent self-reported his misconduct wherein the Court of Criminal Appeals adjudged him to be in willful contempt in a different case, by order filed March 6, 2007. In that case, the record on appeal was filed on August 8, 2006, and the Court of Criminal Appeals granted respondent 3 extensions of time to file his brief for the appellant between September 15, 2006 and January 24, 2007. In the January 24, 2007 Order, respondent was granted 5 days to file a brief or other appropriate pleading and he did neither. The Court filed a Show Cause Order on February 6, 2007 and respondent did appear on March 6 of this year and belatedly filed his brief on that date. Respondent was fined \$50.00 and failed, despite receiving notice letters, to pay the \$235 in costs imposed in the March 6, 2007 order until July 13, 2007, and only after the Board received further correspondence about respondent's failure to pay the Appellate Court Clerk.

**CONCLUSION**

Based on the above actions, respondent Robert B. Gaia has violated RPCs 1.3, 1.4(a)(b), 1.16(d)(1)(2)(3), & 8.4(a)(d). Accordingly, he is hereby **PUBLICLY CENSURED** and the captioned files are hereby closed.

**FOR THE BOARD:**

  
W. Ferber Tracy, Esq.  
Chairman