



**BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**

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RELEASE OF INFORMATION
RE: LINDA KAYE KENDALL GARNER, BPR #13573
CONTACT: RUSSELL WILLIS
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

June 16, 2016

SHELBY COUNTY LAWYER SUSPENDED

Effective June 15, 2016, Linda Kaye Kendall Garner, of Memphis, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court for one (1) year, with thirty (30) days to be served as active suspension and the remainder on probation. Upon successful completion of her active suspension period and the entry of an order of reinstatement by the Supreme Court, Ms. Garner may resume the practice of law. Ms. Garner must pay the costs and expenses of the Board and court costs within ninety days of the entry of the Order of Enforcement.

Ms. Garner was retained to prosecute a defamation case and during the representation, failed to file an appropriate pleading in opposition to a motion for summary judgment. After the court granted summary judgment to the defendant, Ms. Garner filed a timely motion to set aside and a proposed response to the motion for summary judgment. However, Ms. Garner failed to set her motion to be timely heard and, pursuant to Arkansas law, the motion was deemed denied, and the trial court lost jurisdiction to address the dismissal. Ms. Garner filed a timely appeal which was denied. In an unrelated matter, Ms. Garner used her trust account improperly to pay for personal and business expenses over a period of two years.

Ms. Garner's actions violated Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.15 (safekeeping property and funds), and 8.4(a) (misconduct).

Ms. Garner must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of suspended attorneys.