



**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.

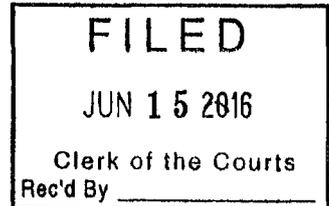
Ms. Garner's actions violated Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.15 (safekeeping property and funds), and 8.4(a) (misconduct).

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.

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: LINDA KAYE KENDALL GARNER, BPR #13573
An Attorney Licensed to Practice Law in Tennessee
(Shelby County)

No. M2016-01181-SC-BAR-BP
BOPR No. 2015-2513-9-AW



ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Linda Kaye Kendall Garner on November 17, 2015; upon Answer to Petition for Discipline filed by Ms. Garner on December 18, 2015; upon a Conditional Guilty Plea entered May 2, 2016; upon the Order Recommending Approval of Conditional Guilty Plea by the Hearing Panel entered May 9, 2016; upon consideration and approval by the Board on May 20, 2016; and upon the entire record in this cause.

From all of which the Court accepts the recommendation of the Hearing Panel and adopts the Hearing Panel's Order Recommending Approval of Conditional Guilty Plea as the Court's Order.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT THAT:

(1) Pursuant to Tenn. Sup. Ct. R. 9, §§ 12.2 and 14.1 (2014), the law license of Linda Kaye Kendall Garner is suspended for one (1) year, with thirty (30) days served actively and the remainder served on probation pursuant to Tenn. Sup. Ct. R. 9, § 12.2 and § 14.1 (2014).

(2) The grant of probation is conditioned upon Ms. Garner engaging in no new unethical conduct during the one (1) year suspension which results in a Board recommendation for discipline. In the event Ms. Garner violates or otherwise fails to meet a condition of probation, the grant of probation may be revoked pursuant to Tenn. Sup. Ct. R. 9, § 14.2, and Ms. Garner required to serve the previously deferred period of suspension.

(3) Prior to seeking reinstatement, Ms. Garner must meet all CLE requirements; have remitted all outstanding registration fees and outstanding professional

privilege taxes; including those due from the date of this suspension until the date of reinstatement; and have remitted all court costs and Board costs in this matter.

(4) Ms. Garner shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4 (2014) regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

(5) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d) (2014), Ms. Garner agrees to reimburse the Board of Professional Responsibility the costs and expenses of this proceeding in the amount of \$533.96 within ninety (90) days of the entry of this Order, for all of which execution may issue if necessary.

(6) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1 (2014), this Order shall be effective upon entry.

(7) Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 28.11 (2014).

PER CURIAM