



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

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RELEASE OF INFORMATION
RE: MITCHELL STANLEY GIVENS, JR., BPR #6819
CONTACT: A. RUSSELL WILLIS
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

August 14, 2015

WASHINGTON COUNTY LAWYER SUSPENDED

On August 13, 2015, Mitchell Stanley Givens, Jr., of Johnson City, 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 an active suspension and the remainder served on probation, subject certain obligations set forth in the Supreme Court's Order. Mr. Givens must pay the Board's costs and expenses and the court costs within ninety (90) days of the entry of the Order of Enforcement. The order is effective upon entry.

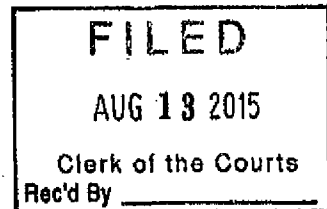
The Board of Professional Responsibility filed a Petition for Discipline against Mr. Givens on August 4, 2014, and a Supplemental Petition for Discipline on March 27, 2015, alleging Mr. Givens misrepresented himself online as a Supreme Court Rule 31 listed mediator; failed to have his client execute a written contingency fee agreement; failed to promptly distribute settlement proceeds to his client; and misled his client to believe her personal injury action was still pending. Mr. Givens entered into a Conditional Guilty Plea admitting to the misconduct. In mitigation, Mr. Givens forfeited his contingency fee and cooperated fully with the Board.

Mr. Givens' actions violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.15 (safekeeping property), 1.16 (terminating representation), 7.1 (communications concerning a lawyer's services) and 8.4 (misconduct). Mr. Givens must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30 (2014), regarding the obligations and responsibilities of suspended attorneys.

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: MITCHELL STANLEY GIVENS, JR., BPR #6819
An Attorney Licensed to Practice Law in Tennessee
(Washington County)

No. M2015-01499-SC-BAR-BP
BOPR No. 2014-2350-1-AW



ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Mitchell Stanley Givens, Jr., on August 4, 2014; upon Respondant's [sic] Answer to Petition filed October 2, 2014; upon the Supplemental Petition for Discipline filed March 27, 2015; upon Respondant's [sic] Answer to Supplemental Petition filed June 8, 2015; upon a Conditional Guilty Plea filed July 2, 2015; upon the Hearing Panel's Order Recommending Approval of Conditional Guilty Plea entered July 13, 2015; upon consideration and approval by the Board on July 21, 2015; and upon the entire record in this cause.

From all of which the Court approves the Order 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) Mitchell Stanley Givens, Jr. is suspended for one (1) year pursuant to Tenn. Sup. Ct. R. 9 § 12.2 (2014) with thirty (30) days served as active suspension. Pursuant to Tenn. Sup. Ct. R. 9, § 14.1 (2014), the remainder of the suspension shall be probated subject to conditions set forth in the Conditional Guilty Plea as follows:

- (a) As a condition of probation, Mr. Givens shall, within three (3) business days after entry of the Order of Enforcement, contact Tennessee Lawyers Assistance Program (TLAP) for possible evaluation and shall enter into any monitoring agreement recommended by TLAP.
- (b) Prior to reinstatement of his license to the active practice of law, Mr. Givens shall be in compliance with any monitoring agreement recommended by TLAP; shall satisfy all CLE requirements; shall remit all outstanding registration fees and outstanding professional privilege taxes, including those

due from the date of this suspension until the date of reinstatement; and shall remit all court costs and Board costs in this matter.

(2) In the event Mr. Givens fails to meet any condition of probation, the probation may be revoked pursuant to Tenn. Sup. Ct. R. 9, § 14.2 (2014).

(3) Additionally, Mr. Givens 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.

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

(5) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d) (2014), Mr. Givens shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$428.22 and shall pay to the Clerk of this Court the costs incurred herein, within ninety (90) days of the entry of this Order, for all of which execution may issue if necessary.

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

PER CURIAM