



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

10 CADILLAC DRIVE, SUITE 220
BRENTWOOD, TENNESSEE 37027
TELEPHONE: (615) 361-7500
(800) 486-5714
FAX: (615) 367-2480
E-MAIL: ethics@tbpr.org
Website: www.tbpr.org

RELEASE OF INFORMATION
RE: DONALD BRENT GRAY, BPR #27263
CONTACT: WILLIAM C. MOODY
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

December 28, 2017

CAMPBELL COUNTY LAWYER SUSPENDED

On December 28, 2017, Donald Brent Gray was suspended from the practice of law by Order of the Tennessee Supreme Court for two (2) years, retroactive to March 10, 2017, with one (1) year active suspension and one (1) year on probation. As conditions of his probation, Mr. Gray must engage a practice monitor, obtain an evaluation by the Tennessee Lawyers Assistance Program and enter into a monitoring agreement if appropriate, make restitution to two clients, and commit no further acts of misconduct resulting in a recommendation of discipline. Mr. Gray must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

In one matter, Mr. Gray failed to appear for a court date. In a second matter, he failed to deposit an unearned fee to a trust account and failed to refund the unearned portion of his fee after his representation terminated. In a third matter, he failed to appear for a court date and failed to deposit an unearned fee to a trust account. In all matters, he failed to respond to the Board's requests for information.

Mr. Gray's ethical misconduct violates Rules of Professional Conduct 1.3, Diligence; 1.15(c), Safekeeping Property and Funds; 1.16(d), Declining and Terminating Representation; 8.1(b), Bar Admissions and Disciplinary Matters; and 8.4(a), Misconduct.

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

Gray 2743-2 rel.doc

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
12/28/2017
Clerk of the
Appellate Courts

IN RE: DONALD BRENT GRAY, BPR #27263
An Attorney Licensed to Practice Law in Tennessee
(Campbell County)

No. M2017-02513-SC-BAR-BP
BOPR No. 2017-2743-2-WM

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Donald Brent Gray on July 12, 2017; upon the Answer to Petition for Discipline filed by Mr. Gray on October 13, 2017; upon entry of a Conditional Guilty Plea filed by Mr. Gray on December 6, 2017; upon an Order Recommending Approval of Conditional Guilty Plea entered on December 7, 2017; upon consideration and approval by the Board on December 8, 2017; 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.

On March 10, 2017, Mr. Gray was temporarily suspended by this Court pursuant to Tenn. Sup. Ct. R. 9, § 12.3 (Case No. M2017-00456-SC-BAR-BP). To date, Mr. Gray has not requested, nor been granted reinstatement.

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

(1) Donald Brent Gray is suspended for two (2) years, retroactive to March 10, 2017, with one (1) year to be served as an active suspension, pursuant to Tenn. Sup. Ct. R. 9, § 12.2, and the remainder to be served on probation, pursuant to Tenn. Sup. Ct. R. 9, § 14.1, subject to the following conditions of probation:

- (a) Mr. Gray shall engage a practice monitor for the entire period of probation who shall be selected and approved in accordance with Tenn. Sup. Ct. R. 9, § 12.9(c). Mr. Gray shall provide a list of potential practice monitors for selection by the Board within fifteen (15) days of entry of this order.

- (b) The Practice Monitor shall meet with Mr. Gray monthly and assess Mr. Gray's case load, case management, timeliness of performing tasks, adequacy of communication with clients and trust accounting procedures and provide a monthly written report of Mr. Gray's progress to Disciplinary Counsel.
- (c) No later than thirty (30) days after the execution of the Conditional Guilty Plea, Mr. Gray shall contact the Tennessee Lawyers Assistance Program (TLAP) for evaluation. If TLAP determines that a monitoring agreement is appropriate, Mr. Gray shall comply with the terms and conditions of the TLAP monitoring agreement. Mr. Gray shall give TLAP permission to communicate with the Board regarding any monitoring agreement.
- (d) Mr. Gray shall make restitution to Sydney Dilbeck in the amount of \$800 and to Derek Gibbs in the amount of \$750. In the event the ordered restitution is paid by the Tennessee Lawyers Fund for Client Protection (TLFCP), Mr. Gray shall reimburse TLFCP the amount so paid.
- (e) During the period of suspension and probation, Mr. Gray shall incur no new complaints of misconduct that relate to conduct occurring during the period of suspension and probation and which results in the recommendation by the Board that discipline be imposed.

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

(3) Prior to seeking reinstatement, Mr. Gray 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) Additionally, Mr. Gray shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

(5) Further, the Order of Temporary Suspension entered on March 10, 2017, in Case No. M2017-00456-SC-BAR-BP is hereby dissolved.

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

(7) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Gray shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$1,060.57 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.

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

PER CURIAM