



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

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RELEASE OF INFORMATION
RE: SHERYL D. GUINN, BPR # 25420
CONTACT: ELIZABETH C. GARBER
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

January 24, 2012

DAVIDSON COUNTY LAWYER CENSURED

On January 24, 2012, Sheryl D. Guinn, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Ms. Guinn was paid \$9,000 to represent a defendant who was charged with four counts of rape of a child, and one count of Aggravated Sexual Battery. The fee agreement was not in writing. Later, the defendant discharged Ms. Guinn and she refused to refund any portion of the fee. Ms. Guinn asserted that the fee was nonrefundable. However, since January 1, 2011, a nonrefundable fee must be in writing.

By the aforementioned acts, Sheryl D. Guinn, has violated Rule of Professional Conduct 1.5 (a) (excessive fee) and 1.5 (f) (unwritten nonrefundable fee agreement) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

Guinn 33882-6 rel.doc

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BOARD OF PROFESSIONAL
RESPONSIBILITY

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EXEC. SEC'Y

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

IN RE: SHERYL D. GUINN, BPR NO. 25420
Respondent, an attorney licensed
to practice law in Tennessee
(Davidson County)

FILE NO. 33882-6-BG

PUBLIC CENSURE

The above complaint was filed against Sheryl D. Guinn, an attorney licensed to practice law in Tennessee, alleging certain acts of misconduct. Pursuant to Supreme Court Rule 9, the Board of Professional Responsibility considered this matter at its meeting on December 9, 2011.

On January 5, and January 11, 2011, Respondent was paid \$9,000 to represent a defendant who was charged with four counts of rape of a child, and one count of Aggravated Sexual Battery. The fee agreement was not in writing. On February 9, 2011, the defendant discharged Respondent because he questioned her competence, because Respondent stated that he would need to hire an investigator, and because Respondent ceased responding to his phone calls. Respondent refuses to refund any portion of the \$9,000 fee and refuses to submit the fee dispute to the Nashville Bar Association Fee Dispute Committee. Respondent asserts that the fee was nonrefundable. The failure to document the charge of a nonrefundable fee in writing violates RPC 1.5 (f). For approximately one month of representation, during which Respondent represented the defendant at arraignment, filed discovery requests with the state, and researched the law, Respondent charged a \$9,000 fee. The charge of an excessive fee violates RPC 1.5 (a).

By the aforementioned acts, Sheryl D. Guinn has violated Rule of Professional Conduct 1.5 (fees) and is hereby Publicly Censured for this violation.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY

Lela Hollabaugh
Lela Hollabaugh, Chair

1-23-12
Date