



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

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RELEASE OF INFORMATION
RE: MICHAEL ANTHONY GUTH, BPR #19093
CONTACT: STEVEN J. CHRISTOPHER
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

October 18, 2016

ROANE COUNTY LAWYER CENSURED

On October 14, 2016, Michael Anthony Guth, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Guth, acting pro se, filed a lawsuit against an individual defendant who retained counsel and contested the suit. Mr. Guth nonsuited the action and refiled in another county where venue was improper. Mr. Guth named two defendants in the refiled suit; a partnership consisting of the defendant in the original suit and one of the defendant's business associates, and the business associate individually. There was no written or verbal partnership agreement and the original defendant and his business associate did not refer to their relationship as a partnership. Mr. Guth told the business associate that he would be named as a defendant but promised to enter into a settlement agreement indemnifying the business associate, but later told the business associate that settlement would no longer be considered.

Mr. Guth obtained a default judgment against the partnership and the business associate. Mr. Guth claimed that the partnership had been served through service on the business associate. Mr. Guth did not attempt service on the defendant in the original suit or provide notice to his counsel. Mr. Guth did not advise the Court at the default hearing about the prior lawsuit, the fact that no partnership agreement existed, or that the defendant in the original suit had not been served. Mr. Guth then attempted execution of the judgment against the assets of the defendant in the original suit.

By these acts, Michael Anthony Guth has violated Rules of Professional Conduct 3.1 (meritorious claims), 3.3 (candor towards the tribunal), 4.1(a) (truthfulness in statements to others), 4.3 (dealings with an unrepresented person), 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation), and 8.4(d) (conduct prejudicial to the administration of justice), 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.