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

BOARD OF PROFESSIONAL  
RESPONSIBILITY  
*RW*  
EXECUTIVE CLERK

IN RE: BRUCE H. GUTHRIE, II  
BPR #13553, Petitioner,  
An Attorney Licensed to  
Practice Law in Tennessee  
(Hamilton County)

DOCKET NO. R-200-3-WM

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FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT

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This cause came to be heard on May 29, 2014 before the duly appointed Hearing Panel of the Board of Professional Responsibility upon the Petition for Reinstatement filed by Bruce H. Guthrie, II. Based upon the evidence presented, the testimony of witnesses, the statements of counsel, and the entire record, the Hearing Panel makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Mr. Guthrie was suspended by Order of the Tennessee Supreme Court on July 30, 2009, for a period of twenty-six (26) months retroactive to May 18, 2007.
2. Mr. Guthrie has paid in full the costs of the prior disciplinary hearing.
3. Mr. Guthrie has paid a cost deposit in this reinstatement proceeding.
4. Mr. Guthrie has satisfied all of the terms of the July 30, 2009 Order.
5. Mr. Guthrie has been administratively suspended for failure to comply with CLE requirements since August 15, 2008. The parties stipulated to the admission into evidence of Mr. Guthrie's "Progress Report" of the Tennessee Commission on Continuing Legal Education and Specialization documenting his CLE attendance since his suspension. In order for his CLE

suspension to be dissolved, Mr. Guthrie must pay a fee to the Tennessee Commission on Continuing Legal Education and Specialization in the amount of \$864.14.

6. The parties stipulated that Mr. Guthrie has not paid the annual registration fee to the Board of Professional Responsibility since his suspension.

7. Teen Challenge is a faith-based, one-year, residential addiction treatment program with a success rate of 86%. Roger Helle is the director of the program in Chattanooga, Tennessee and testified that Mr. Guthrie completed the program in July, 2012.

8. Lynda Hood is the Executive Director of the Chattanooga Bar Association which administers the Noone Sustaining Fund assisting attorneys with financial needs. The Noone Sustaining Fund will provide Mr. Guthrie up to \$2,400 towards CLE fees and annual registration fees owed by him. In addition, the Chattanooga Bar Association will provide Mr. Guthrie with free membership and free CLE for the remainder of the year.

9. Mitzi Delay testified that she is an alcoholic and participates in Alcoholics Anonymous meetings on a daily basis. For a year and a half, she has attended meetings with Mr. Guthrie four or five days a week. She testified that Mr. Guthrie "works the program" and is an encouraging voice in the meetings.

10. Joe Dana is a retired lawyer and has attended Alcoholics Anonymous and Celebrate Recovery meetings with Mr. Guthrie. Mr. Dana testified that Celebrate Recovery is a faith-based twelve-step recovery program. Mr. Guthrie has attended Celebrate Recovery meetings on a regular basis for five to five and a half years.

11. Roger Castleberry is an alcoholic and has attended Alcoholics Anonymous meetings three to four times a week for six and a half years. Mr. Castleberry described what it means to be an alcoholic and discussed the history of Alcoholics Anonymous. Mr. Castleberry testified that

he presented Mr. Guthrie with his "final white chip" four years ago signifying Mr. Guthrie's "surrender."

12. Todd Humbert is associate pastor at Shelter Church where Mr. Guthrie has attended off and on for the past four years. Rev. Humbert testified that Mr. Guthrie actively participates in many programs of the church.

13. Monty Reeves is a deacon and Sunday School teacher at Shelter Church and leads men's ministry programs. Mr. Guthrie is a regular participant in his Sunday School class and other church programs.

14. Jack Berry and Mr. Guthrie have been friends for close to 37 years. Mr. Guthrie has worked for Mr. Berry's fencing company off and on for five or six years. Mr. Guthrie has been a highly competent employee. Mr. Guthrie has been Mr. Berry's attorney in the past and he considers Mr. Guthrie to be a highly conscientious person.

15. Mr. Guthrie testified that he graduated from Motlow State, Memphis State and Cumberland School of Law. He practiced law with his father, Bruce B. Guthrie, and Paul Sorrick for 18 years before becoming a solo practitioner. He was married and has two children. Mr. Guthrie testified that he was divorced by his wife and he was suspended from the practice of law as a result of a problem with alcohol. He testified that his problem with alcohol was a significant variable in the equation that resulted in his lack of diligence and communication.

16. Mr. Guthrie testified that he notified all of his clients of his suspension and returned their file materials to them.

17. Mr. Guthrie testified that in order to address his alcoholism he participated in programs offered by Teen Challenge, Alcoholics Anonymous, CADAS and Cumberland Heights.

18. Mr. Guthrie testified that since his suspension he has worked a number of jobs including fencing and masonry in addition to driving for his attorney, Art Grisham.

19. Mr. Guthrie testified that since he decided to seek reinstatement he has made an effort to catch-up on his CLE obligations and has obtained a surplus number of hours.

20. Mr. Guthrie testified that he has been a Christian since he was a child and attends church as often as possible.

21. Mr. Guthrie testified that the practice of law is more important to him than alcohol and he believes that God put him on Earth to help people.

22. Mr. Guthrie testified that he reads the Tennessee Bar Journal in an effort to remain current in the law. While he hasn't made a particular effort to study changes in legislation he believes that a good lawyer doesn't have to know everything but needs to know how to find the answers and he does. He has not read appellate opinions since his suspension. He has read Tennessee Attorneys Memo some but not on a frequent basis. He has discussed the law with Mr. Grisham while riding together to Mr. Grisham's statewide court appearances.

23. Mr. Guthrie testified how the pressures of his law practice and marital issues led to his increased consumption of alcohol. He testified that he is now in remission and recovering.

24. Mr. Guthrie described his wide experience practicing in numerous areas of the law.

25. Mr. Guthrie testified it is his intention to return to the solo, general practice of law. He does not believe he would benefit from the assistance of a practice monitor.

#### **CONCLUSIONS OF LAW**

26. Tenn. Sup. Ct. R. 9, § 19.3 states "[t]he hearing committee shall schedule a hearing at which the petitioner shall have the burden of demonstrating by clear and convincing evidence that the attorney has the moral qualifications, competency and learning in law required for

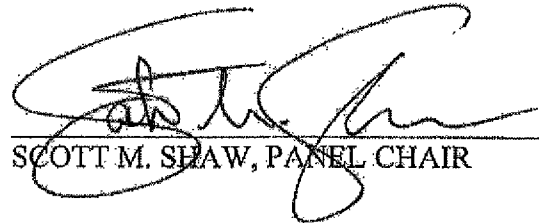
admission to practice law in this State and that the resumption of the practice of law within the State will not be detrimental to the integrity and standing of the bar or the administration of justice, or subversive to the public interest.”

27. The Panel finds that Mr. Guthrie has proven by clear and convincing evidence that he has the moral qualifications, competency and learning in the law required for admission to practice in this state, and that his resumption of the practice of law within the state will not be detrimental to the integrity and standing of the bar or the administration of justice, or subversive to the public interest and that his reinstatement is appropriate.

#### JUDGMENT

It is the judgment of the Hearing Panel that Mr. Guthrie should be reinstated to the practice of law. Mr. Guthrie shall be ordered to pay the costs of this cause.

IT IS SO ORDERED.

  
SCOTT M. SHAW, PANEL CHAIR

  
LARRY L. CASH, PANEL MEMBER

  
MYRLENE R. MARSA, PANEL MEMBER