

**IN DISCIPLINARY DISTRICT V  
OF THE  
BOARD OF PROFESSIONAL RESPONSIBILITY  
OF THE  
SUPREME COURT OF TENNESSEE**

**IN RE: PENNY HARRINGTON,  
BPR #9983, Respondent,  
An Attorney Licensed to  
Practice Law in Tennessee  
(Davidson County)**

**FILE NO. 29728-5-SG**

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**PUBLIC CENSURE**

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The Respondent represented her client, the father of a minor child, in General Sessions and Juvenile Court for Davidson County, Tennessee. On February 13, 2006, the Respondent filed a complaint with the Metro Nashville Police Department's Department of Professional Accountability against the husband of the opposing party, the Complainant, alleging that the Complainant abused his authority as an off-duty police officer and abused the intent of the uniform by appearing numerous times in Juvenile Court in uniform while off duty. Specifically, the Respondent stated in her complaint to the Metro Nashville Police Department of Professional Accountability "Over the past year, I have appeared numerous times in Juvenile Court before Honorable Referee Sophia Crawford concerning my client's visitation, and every


time we have gone to court, [the Complainant] came in uniform with the mother. [The Complainant] was not in Juvenile Court on police business and was not on duty. A few weeks ago when we appeared in Juvenile Court, [the Complainant] again showed up in his police uniform, and Referee Crawford told him not to come back to her courtroom wearing his uniform.” The Metro Nashville Police Department’s Department of Professional Accountability investigation found Referee Crawford recalled only one time the Complainant wore his uniform to court. Referee Crawford stated that she had a problem with the Complainant coming one time in his uniform, but never directly addressed the Complainant about the matter. The Complainant appeared in Referee Crawford’s court a total of ten (10) times in calendar year 2005 on the following dates: January 28, March 3, March 4, April 15, June 2, July 28, September 23, November 4, November 7 and November 10. Out of these ten (10) court appearances in calendar year 2005, the Complainant only wore his uniform to court on November 7, 2005. The Police Department’s investigation found the Respondent’s allegations of intimidation to be false and untrue and the complaint unfounded.

In the Respondent’s response to the Board of Professional Responsibility dated December 18, 2006, the Respondent stated “It is my recollection that [the Complainant] came to every Juvenile Court hearing on support and visitation after December, 2004, and came in uniform. I don’t remember seeing [the Complainant’s wife] without him that year and it is my recollection that he was in uniform as she was sometimes. On November 7, 2005, Referee Sophia Crawford, sua sponte, asked ...counsel Danny Baxter and me to step into a conference room in the area behind the bench. She was upset about [the Complainant’s] being in uniform since he

was going to be testifying as a police officer. It is my recollection that the conference ended with Mr. Baxter saying [the Complainant] would give up his duty weapon but that he did not have a change of clothes. It is my recollection that when she came on the bench she told [Complainant] not to come back again in uniform. Perhaps, that memory isn't the same as others' recollections, but it is my memory of events. ... I have not spoken or written any deliberate untruths that have been in connection with the events recounted in [the Complainant's] charging documents. Further I believe that my version of events have been truthful in all ways."

The Respondent's statements in her complaint with the Metro Police Department's Department of Professional Accountability violate Rules 3.4(b); 3.1 and 8.4(a)(c) of the Tennessee Rules of Professional Conduct.

It is therefore **ORDERED** by the Board of Professional Responsibility that the Respondent is **publicly censured**.

  
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Thomas Stratton Scott, Jr., Vice Chairman  
Board of Professional Responsibility  
of the Supreme Court of Tennessee

DATE: May 7, 2007