

FILED

2011 APR 27 PM 3:00

IN DISCIPLINARY DISTRICT 0
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE

BOARD OF PROFESSIONAL
RESPONSIBILITY

Rew EXEC. SEC'Y

IN RE: DANIEL M. HURST, BPR NO. 22856

FILE NO. 33308-0-KB

Respondent, an attorney licensed
to practice law in Tennessee
(Jefferson County, Alabama)

PUBLIC CENSURE

The above complaint was filed against Daniel M. Hurst, 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 these matters at its meeting on March 11, 2011.

Respondent was formerly licensed to practice law in Tennessee, but took Inactive Status on January 31, 2005. Respondent retained his license to practice law in Alabama.

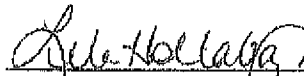
On April 5, 2010, Respondent sent an ex parte letter directly to the presiding judge in a will contest involving his family members. Respondent's letter commented on a potential conflict of interest which may have existed with respect to counsel adverse to his aunt, and the presiding judge's failure to address the matter in any order of the court. Respondent later sought to enlist the aid of a legal aid attorney to represent his aunt in her upcoming trial. In a series of e-mails between Respondent and the legal services attorney, Respondent discussed strategy of continuing the trial date so that the legal services attorney would have ample time to prepare himself for the case and stated that he could assist by drafting pleadings if necessary. Respondent's aunt filed several pleadings with the court purportedly *pro se*, but which were actually drafted by Respondent. On June 1, 2010, Respondent sent another ex parte letter to the

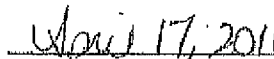
presiding judge expressing his anger at the court's order which insinuated that Respondent was providing behind the scenes legal representation of his aunt. Respondent expressed in his letter the potential for a defamation suit against the judge and complaint to the Court of the Judiciary. Respondent requested that the judge strike certain language from his prior order.

~~By the aforementioned acts, Daniel M. Hurst has violated Rules of Professional Conduct~~

1.2(d) (assisting a client in fraudulent conduct), 3.3 (candor toward the tribunal), 3.4(c) (knowingly disobeying an obligation under the rules of a tribunal), 3.5(b) (*ex parte* communication with a judge during a proceeding), 4.1(a) (knowingly making a false statement of material fact to a third person), 4.4(a) (using means that have no substantial purpose other than to delay or burden a third person), 5.5 (unauthorized practice of law), 8.1(b) (failure to respond to a demand for information by Disciplinary Counsel), 8.2(a) (making a false statement concerning the integrity of a judge), and 8.4(a) (violation of the Rules of Professional Conduct), (b) (committing a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer), (c) (engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation), and (d) (conduct prejudicial to administration of justice) and is hereby Publicly Censured for these violations.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY


Lela Hollabaugh, Chair


Date