



**BOARD OF PROFESSIONAL RESPONSIBILITY**  
of the  
**SUPREME COURT OF TENNESSEE**

**LANCE B. BRACY**  
CHIEF DISCIPLINARY COUNSEL

**LAURA L. CHASTAIN**  
DEPUTY CHIEF DISCIPLINARY COUNSEL

**BEVERLY P. SHARPE**  
CONSUMER COUNSEL DIRECTOR

1101 KERMIT DRIVE, SUITE 730  
NASHVILLE, TENNESSEE 37217  
TELEPHONE: (615) 361-7500  
FAX: (800) 486-5714  
(615) 367-2480  
E-MAIL: [ethics@tbpr.org](mailto:ethics@tbpr.org)

**WILLIAM W. HUNT, III**  
**CHARLES A. HIGH**  
**SANDY GARRETT**  
**JESSE D. JOSEPH**  
**JAMES A. VICK**  
**THERESA M. COSTONIS**  
DISCIPLINARY COUNSEL

**THIRTIETH ANNUAL REPORT**  
**July 1, 2005 through June 30, 2006**

The state of attorney discipline is healthy and robust as evidenced in an editorial by *The Tennessean* on November 30, 2005, stating, in part:

**Supreme Court Has Effective Program to Investigate, Address Problems**

...Tennesseans should appreciate the seriousness that the Tennessee Supreme Court gives to professionalism and ethics... . The state is better for it. The legal profession...is much better for it. ... (C)onsumers need to know that their grievances will be heard and investigated. And lawyers need to know that frivolous complaints will not count against them.

The Board has received 36,883 complaints during the past thirty years, resulting in 162 disbarments, 398 suspensions, 479 public censures and 2,793 private reprimands or admonitions. There were 991 files opened during the past year. This is an increase of less than 1% over the same period last year. The nature of the files created and areas from which they arose during the past two years are shown on page two of this report.

The *Consumer Assistance Program*, implemented in 2002, continues to receive a large number of consumer contacts. During the year, the program handled 4,661 concerns, a decrease of 3.3% compared to last year. The decrease is likely attributable to the Board's new website which allows consumers to access information without direct contact with the program. There were 3,493 instances of informal mediation of concerns not rising to the level of serious ethical violations. Giving general information to legal consumers was the highest frequency of other activity. Areas of practice for which the most inquiries were received were criminal, domestic, general civil, personal injury and estates. There were 1,145 referrals to other entities such as fee dispute committees, lawyer referral services or to Disciplinary Counsel when informal mediation was unable to quickly resolve issues.

The Board's *Ethics Opinion Service*, implemented in 1980, continues to preemptively assist lawyers in identifying and resolving ethical dilemmas and thereby avoiding complaints being filed. This proactive program has resulted in 164 formal ethics opinions and 832 advisory ethics opinions. Disciplinary Counsel have responded to 57,887 hotline telephone inquiries from attorneys seeking guidance, including 3,145 inquiries during this reporting year. Disciplinary Counsel also participated in 93 bar-sponsored ethics seminars during the year, attended by approximately 5,581 attorneys.

Attorneys are continuing to be proficient in the appropriate maintenance of trust accounts. There were 80 overdraft notices filed this year, representing a 72% decline from 288 reported in 1995. The Board's *Overdraft Notification Program* was implemented in 1994, requiring trust accounts to be maintained in financial institutions which agree to report overdrafts to the Board. More than 300 financial institutions are participating in the program.

Tennessee attorneys have contributed \$28.4 million in annual Court assessed fees to finance the Board's programs, with no contributions from public sources. The annual registration fees provided revenues in FY 05-06 of \$1,904,435. Additional revenues of \$167,362 were received from interest, reimbursement of costs of disciplinary proceedings and prior fees and penalties, providing total Board revenue this fiscal year of \$2,071,797. Expenditures were \$2,110,093. The Board also collected and remitted an additional \$375,250 this year to the Supreme Court's *Lawyer Assistance Program*. In addition, \$179,460, totaling \$2.54 million since 1990, has been collected from attorneys and remitted to the Court's *Lawyers' Fund for Client Protection*.

| REGISTRATION INFORMATION |                  |        |                  |       |                     |       |                 |        | DISCIPLINARY DISTRICTS        | DISCIPLINARY INFORMATION |             |      |             |      |                 |      |                    |      |                     |      |                     |   |   |
|--------------------------|------------------|--------|------------------|-------|---------------------|-------|-----------------|--------|-------------------------------|--------------------------|-------------|------|-------------|------|-----------------|------|--------------------|------|---------------------|------|---------------------|---|---|
| General Population       | Active Attorneys |        | Exempt Attorneys |       | Suspended Attorneys |       | Total Attorneys |        |                               | Number of Complaints     | Disbarments |      | Suspensions |      | Public Censures |      | Private Reprimands |      | Private Admonitions |      | Disability Inactive |   |   |
|                          | 2006             | 2005   | 2006             | 2005  | 2006                | 2005  | 2006            | 2005   |                               | 2006                     | 2005        | 2006 | 2005        | 2006 | 2005            | 2006 | 2005               | 2006 | 2005                | 2006 | 2005                |   |   |
| 763,813                  | 939              | 912    | 82               | 83    | 55                  | 51    | 1,076           | 1,046  | I                             | 72                       | 71          | 0    | 0           | 2    | 0               | 3    | 2                  | 1    | 3                   | 3    | 4                   | 0 | 0 |
| 386,028                  | 461              | 452    | 56               | 53    | 22                  | 18    | 539             | 523    | II<br>Excluding Knox Co.      | 64                       | 47          | 0    | 0           | 1    | 1               | 6    | 1                  | 0    | 1                   | 7    | 2                   | 0 | 0 |
| 404,972                  | 1,686            | 1,653  | 171              | 167   | 71                  | 72    | 1,928           | 1,892  | II<br>Knox County             | 93                       | 98          | 0    | 0           | 1    | 1               | 4    | 2                  | 2    | 4                   | 8    | 11                  | 0 | 0 |
| 312,107                  | 259              | 246    | 28               | 30    | 8                   | 9     | 295             | 285    | III<br>Excluding Hamilton Co. | 19                       | 14          | 0    | 0           | 0    | 0               | 1    | 0                  | 3    | 0                   | 1    | 2                   | 0 | 0 |
| 310,935                  | 1,091            | 1,076  | 100              | 91    | 49                  | 49    | 1,240           | 1,216  | III<br>Hamilton County        | 63                       | 57          | 0    | 0           | 0    | 1               | 2    | 4                  | 5    | 2                   | 1    | 5                   | 0 | 0 |
| 848,097                  | 1,009            | 976    | 114              | 110   | 44                  | 42    | 1,167           | 1,128  | IV                            | 83                       | 85          | 1    | 0           | 0    | 0               | 2    | 1                  | 2    | 2                   | 9    | 7                   | 1 | 0 |
| 575,261                  | 3,996            | 3,876  | 334              | 333   | 189                 | 195   | 4,519           | 4,404  | V<br>Davidson County          | 163                      | 194         | 1    | 2           | 2    | 3               | 9    | 9                  | 5    | 7                   | 20   | 13                  | 0 | 1 |
| 836,252                  | 1,473            | 1,379  | 154              | 144   | 79                  | 78    | 1,706           | 1,601  | VI                            | 87                       | 92          | 0    | 0           | 4    | 2               | 3    | 4                  | 1    | 0                   | 1    | 7                   | 0 | 1 |
| 339,910                  | 476              | 476    | 42               | 41    | 23                  | 22    | 541             | 539    | VII                           | 43                       | 54          | 0    | 1           | 0    | 1               | 2    | 0                  | 2    | 0                   | 3    | 4                   | 0 | 1 |
| 276,549                  | 248              | 249    | 28               | 29    | 14                  | 12    | 290             | 290    | VIII                          | 17                       | 21          | 0    | 0           | 0    | 0               | 1    | 3                  | 0    | 0                   | 1    | 1                   | 0 | 0 |
| 909,035                  | 3,229            | 3,175  | 334              | 327   | 241                 | 243   | 3,804           | 3,745  | IX<br>Shelby County           | 268                      | 227         | 3    | 1           | 4    | 5               | 10   | 8                  | 0    | 5                   | 19   | 15                  | 2 | 0 |
|                          | 3,111            | 2,919  | 941              | 904   | 834                 | 792   | 4,886           | 4,396  | Out of State                  | 19                       | 22          | 2    | 0           | 3    | 3               | 0    | 1                  | 1    | 1                   | 3    | 3                   | 0 | 1 |
| 5,962,959                | 17,978           | 17,389 | 2,384            | 2,312 | 1,629               | 1,583 | 21,991          | 21,065 | --- TOTALS ---                | 991                      | 982         | 7    | 4           | 17   | 17              | 43   | 35                 | 22   | 25                  | 76   | 74                  | 3 | 4 |

**NOTES:**

①U.S. Bureau of the Census, 2005 estimated County Population for Tennessee Counties.

②This total includes suspensions for: non-payment of fee (552), non-compliance with CLE (330), disciplinary actions (159) and multiple suspensions (588).

③The Disciplinary Districts contain the following counties pursuant to Rule 9(2):

District I - Johnson, Carter, Cocke, Greene, Hancock, Grainger, Jefferson, Sullivan, Washington, Unicoi, Hawkins, Claiborne, Hamblen and Sevier Counties.

District II - Campbell, Anderson, Roane, Blount, Morgan, Union, Knox, Loudon and Scott Counties.

District III - Polk, Hamilton, Sequatchie, Bledsoe, Meigs, Monroe, Bradley, Marion, Grundy, Rhea and McMinn Counties.

District IV - White, Van Buren, Pickett, Putnam, Overton, Clay, Franklin, Moore, Bedford, Rutherford, Wilson, Trousdale, Warren, Fentress, Cumberland, Smith, Jackson, Coffee, Lincoln, Marshall, Cannon, DeKalb and Macon Counties.

District V - Davidson County.

District VI - Giles, Wayne, Lewis, Maury, Humphreys, Cheatham, Houston, Montgomery, Robertson, Lawrence, Perry, Hickman, Dickson, Stewart, Sumner and Williamson Counties.

District VII - Henry, Carroll, Henderson, Hardeman, Hardin, Benton, Chester, Decatur, Fayette, McNairy and Madison Counties.

District VIII - Weakley, Lake, Gibson, Haywood, Tipton, Obion, Dyer, Crockett and Lauderdale Counties.

District IX - Shelby County.

④Period for 2006 data is July 1, 2005 through June 30, 2006.  
Period for 2005 data is July 1, 2004 through June 30, 2005.

**NATURE OF COMPLAINTS:**

**2006 2005**

|  |     |     |
|--|-----|-----|
| <b>TRUST VIOLATIONS:</b><br>Recordkeeping, Embezzlement, Conversion, Commingling   | 62  | 91  |
| <b>CONFLICT OF INTEREST:</b><br>Personal, As Public Official, Appearance of Impropriety, Business with Clients, Multiple Representation  | 48  | 54  |
| <b>NEGLECT:</b><br>Preparation, Failure to Communicate, File, Appear or Perform  | 335 | 330 |
| <b>MISREPRESENTATION OR FRAUD:</b><br>False Documents, Attestation, Statements, Failure to Clarify   | 67  | 96  |
| <b>RELATIONSHIP WITH CLIENT:</b><br>Limiting Liability, Discussing Confidence, Improper Withdrawal, Not Releasing Documents, Extortion, Harassment, Failure to Protect Client's Interest | 314 | 302 |
| <b>FEES:</b><br>Overreaching, Excessive, Splitting Fee with Non-Lawyer, Improper Division, Failure to Refund, Improper Fee   | 32  | 27  |
| <b>IMPROPER COMMUNICATIONS:</b><br>Advertising, Solicitation, Trial Publicity, Contact with Witnesses, Officials, Jury, Opposing Party   | 78  | 55  |
| <b>CRIMINAL CONVICTION:</b><br>Felony, Misdemeanor, Other  | 9   | 3   |
| <b>PERSONAL BEHAVIOR:</b><br>Competence, Mental Disability, Aiding Unauthorized Practice, Ineffective Assistance   | 43  | 23  |
| <b>OTHER:</b><br>Reciprocal Discipline, not available  | 3   | 1   |

**TOTAL FILES OPENED:** 991 982

**ALL ATTORNEYS ARE REQUIRED TO FILE WRITTEN NOTICE OF ANY CHANGE IN RESIDENCE ADDRESS, OFFICE ADDRESS OR STATUS WITHIN 30 DAYS OF SUCH CHANGE AS REQUIRED BY SUPREME COURT RULE 9(20.5).**

**FRIVOLOUS MATTERS ADMINISTRATIVELY DISMISSED PURSUANT TO RULE 9(7.2)(c):** 267 286

**TOTAL MATTERS RECEIVED:** 1,258 1,268