

## **TWENTY-FIFTH ANNUAL REPORT**

**November 1, 2000 thru October 31, 2001**

Tennessee ranks 16<sup>th</sup> in the number of public sanctions issued according to a nationwide American Bar Association survey of 56 disciplinary agencies. In addition, the recently released ABA survey for the year 1999 reveals that Tennessee ranks 22<sup>nd</sup> out of 56 in the number of complaints filed, 14<sup>th</sup> in the number of lawyers formally charged and 12<sup>th</sup> in the number of private sanctions. In the area of funding, Tennessee ranks 27<sup>th</sup> out of the 56 jurisdictions surveyed. The *per capita* rankings of 22<sup>nd</sup> in complaints filed, 14<sup>th</sup> in formal charges, 16<sup>th</sup> in public sanctions and 27<sup>th</sup> in funding confirms the performance audit of the State Comptroller, Division of Audit, in May, 2000 that the *operations of the Board...are efficient, effective, and are achieving the results desired by the Tennessee Supreme Court.*

Tennessee attorneys have contributed \$17.9 million in annual Court assessments to finance the program, with no contributions from other sources. In 2001, the annual attorney registration fees provided revenue of \$1,413,715. Additional revenues of \$111,418 have been received from interest, reimbursement of costs of disciplinary proceedings and prior fees and penalties, providing total Board revenue in 2001 of \$1,525,133. Expenditures for 2001 are projected to be \$1,785,100. The Board also collected and remitted an additional \$157,390 to the Supreme Court's Lawyer Assistance Program; and an additional \$148,690, totaling \$1.68 million since 1990, to the Court's Lawyers' Fund for Client Protection.

The Board has received 30,773 complaints during the past twenty-five years, resulting in 132 disbarments, 320 suspensions, 355 public censures and 2,265 private reprimands or admonitions. There were 1,397 files opened during the past year. This is a decrease of 6.8% over the same period last year when 1,499 files were opened. The nature of the files created and areas from which they arose during the past two years are shown on the reverse of this page.

The ethics opinion service, implemented in 1980 as a proactive program to prevent ethical misconduct, has resulted in 154 formal ethics opinions and 754 advisory opinions. Disciplinary Counsel have responded to 39,068 hotline phone inquiries from attorneys seeking ethical guidance, including 3,567 inquiries during the past year. Disciplinary Counsel also participated in 43 bar sponsored ethics seminars this year attended by approximately 3,325 attorneys.

Attorneys are continuing to become more proficient in the appropriate maintenance of trust accounts, as evidenced by a 85% decline in overdraft notices from 288 in 1995 to 43 in 2001. The overdraft notice 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 banks are participating in the program.

The Board's practice and professionalism enhancement program was implemented in 1997. One hundred eighty-five attorneys have completed Board sponsored ethics workshops as an alternative to discipline (diversion), or in connection with discipline concurrently imposed.

REGISTRATION INFORMATION④									DISCIPLINARY DISTRICTS③	DISCIPLINARY INFORMATION④													
General Population①	Active Attorneys		Exempt Attorneys		Suspended Attorneys②		Total Attorneys			Number of Complaints	Disbarments		Suspensions		Public Censures		Private Reprimands		Private Admonitions		Disability Inactive		
	2000	2001	2000	2001	2000	2001	2000	2001		2000	2001	2000	2001	2000	2001	2000	2001	2000	2001	2000	2001	2000	2001
733,090	842	845	72	72	44	40	958	957	I	108	110	1	0	1	0	2	2	6	4	5	7	1	0
366,695	418	424	38	44	19	21	475	489	II Excluding Knox Co.	67	46	0	1	1	0	0	1	0	1	2	3	0	0
382,032	1,510	1,552	120	122	63	62	1,693	1,736	II Knox County	147	136	0	0	1	0	1	2	0	0	12	6	1	0
297,322	245	242	19	20	4	4	268	266	III Excluding Hamilton Co.	44	26	0	0	0	0	0	0	1	2	1	1	0	0
307,896	1,010	1,016	83	77	35	37	1,128	1,130	III Hamilton County	83	81	0	0	0	1	1	2	1	2	3	2	0	0
771,806	856	882	85	82	33	34	974	998	IV	115	103	0	1	0	2	2	1	2	5	5	1	0	0
569,891	3,443	3,553	295	279	176	172	3,914	4,004	V Davidson County	265	268	3	0	4	3	5	6	4	9	14	10	3	0
760,749	1,129	1,190	109	106	55	60	1,293	1,356	VI	126	97	0	0	4	1	3	2	2	2	12	5	0	0
328,899	412	415	38	37	17	18	467	470	VII	58	81	1	0	0	0	1	0	1	3	2	5	0	0
273,431	238	234	25	26	11	10	274	270	VIII	29	27	0	0	1	0	2	0	0	0	2	3	0	0
897,472	2,953	3,001	271	268	194	198	3,418	3,467	IX Shelby County	434	396	5	5	2	6	7	7	6	10	19	11	1	2
	2,429	2,604	703	747	573	598	3,705	3,949	Out of State	23	26	1	1	1	2	0	3	0	0	0	1	0	0
5,689,283	15,485	15,958	1,858	1,880	1,224	1,254	18,567	19,092	--- TOTALS ---	1,499	1,397	11	8	15	15	24	26	23	38	77	55	6	2

**NOTES:**

①U.S. Bureau of the Census, 2000 estimated County Population for Tennessee Counties.

②This total includes suspensions for: non-payment of fee (625), non-compliance with CLE (169), disciplinary actions (162) and multiple suspensions (298).

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.

④Twelve month period from November 1 of previous year thru October 31 of applicable year.

**NATURE OF COMPLAINTS:**

**2000 2001**

<b>TRUST VIOLATIONS:</b> Recordkeeping, Embezzlement, Conversion, Commingling	97	102
<b>CONFLICT OF INTEREST:</b> Personal, As Public Official, Appearance of Impropriety, Business with Clients, Multiple Representation	60	67
<b>NEGLECT:</b> Preparation, Failure to Communicate, File, Appear or Perform	630	579
<b>MISREPRESENTATION OR FRAUD:</b> False Documents, Attestation, Statements, Failure to Clarify	106	99
<b>RELATIONSHIP WITH CLIENT:</b> Limiting Liability, Discussing Confidence, Improper Withdrawal, Not Releasing Documents, Extortion, Harassment, Failure to Protect Client's Interest	375	357
<b>FEES:</b> Overreaching, Excessive, Splitting Fee with Non-Lawyer, Improper Division, Failure to Refund, Improper Fee	61	73
<b>IMPROPER COMMUNICATIONS:</b> Advertising, Solicitation, Trial Publicity, Contact with Witnesses, Officials, Jury, Opposing Party	141	100
<b>CRIMINAL CONVICTION:</b> Felony, Misdemeanor, Other	5	4
<b>PERSONAL BEHAVIOR:</b> Competence, Mental Disability, Aiding Unauthorized Practice, Ineffective Assistance	20	16
<b>OTHER:</b> Reciprocal Discipline, not available	4	0

**TOTAL FILES OPENED:** 1,499 1,397

**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):** 418 399

**TOTAL MATTERS RECEIVED:** 1,917 1,796