

## TWENTY-FOURTH ANNUAL REPORT

November 1, 1999 thru October 31, 2000

A performance audit of the activities of the Board of Professional Responsibility was released in May 2000 by the Comptroller of The Treasury, Division of State Audit. Eighteen issues or objectives were identified by the Supreme Court for audit. The audit report concluded that *the operations of the Board...are efficient, effective and are achieving the results desired by the Tennessee Supreme Court*. In 1976, the Court designated its Board to assist in supervising the ethical conduct of attorneys. Since then, the program has broadened to include other facets: published ethics opinions, an ethics hotline, ethics seminars, an attorney trust account overdraft notification program and professional enhancement instruction. The program has helped assure a high level of ethical conduct by Tennessee attorneys.

Tennessee attorneys have contributed \$16.5 million in annual Court assessments to finance the program, with no contributions from other sources. In 2000, 15,242 attorneys paid the annual registration fee, providing revenue of \$1,371,780. Additional revenues of \$95,505 have been received from interest, reimbursement of costs of disciplinary proceedings and prior fees and penalties, providing total Board revenue in 2000 of \$1,467,285. Expenditures for 2000 are projected to be \$1,475,300. The Board also collected and remitted an additional \$152,810 to the Supreme Court's Lawyer Assistance Program; and an additional \$144,420, totaling \$1.54 million since 1990, to the Court's Lawyers' Fund for Client Protection.

The Board has received 28,977 complaints during the past twenty-four years, resulting in 124 disbarments, 307 suspensions, 329 public censures and 2,172 private reprimands or admonitions. There were 1,499 files opened during the past year. This is a decrease of 0.33% over the same period last year when 1,504 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 152 formal ethics opinions and 731 advisory opinions. Disciplinary Counsel have responded to 35,501 hotline phone inquiries from attorneys seeking ethical guidance, including 3,632 inquiries during the past year. Disciplinary Counsel also participated in 42 bar sponsored ethics seminars this year attended by approximately 2,816 attorneys.

Attorneys are continuing to become more proficient in the appropriate maintenance of trust accounts, as evidenced by a 70.8% decline in overdraft notices from 288 in 1995 to 84 in 2000. The overdraft notice program was implemented in December 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 practice and professionalism enhancement program was implemented in 1997. One hundred sixty-four attorneys have completed the program as an alternative to discipline (diversion), or in connection with discipline concurrently imposed.

Four hundred sixty-five attorneys have been designated by the Court to implement the discipline program by serving as Board members or Hearing Committee members. The Board is also comprised of public members for an enhanced perspective of the professional responsibilities of the legal profession.

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	
	1999	2000	1999	2000	1999	2000	1999	2000		1999	2000	1999	2000	1999	2000	1999	2000	1999	2000	1999	2000	1999	2000
705,511	834	842	67	72	42	44	943	958	I	87	108	0	1	0	1	2	2	5	6	6	5	1	1
357,667	413	418	38	38	18	19	469	475	II Excluding Knox Co.	58	67	0	0	2	1	0	0	0	0	7	2	0	0
376,039	1,493	1,510	129	120	56	63	1,678	1,693	II Knox County	122	147	0	0	4	1	0	1	3	0	6	12	1	1
282,185	237	245	20	19	4	4	261	268	III Excluding Hamilton Co.	30	44	0	0	0	0	0	0	0	1	1	1	0	0
294,720	1,017	1,010	74	83	35	35	1,126	1,128	III Hamilton County	100	83	0	0	0	0	1	1	1	1	5	3	0	0
736,012	844	856	78	85	32	33	954	974	IV	123	115	0	0	1	0	0	2	9	2	2	5	0	0
530,050	3,437	3,443	277	295	153	176	3,867	3,914	V Davidson County	282	265	0	3	5	4	2	5	2	4	8	14	0	3
745,543	1,069	1,129	98	109	51	55	1,218	1,293	VI	143	126	0	0	1	4	5	3	2	2	6	12	0	0
318,655	403	412	40	38	18	17	461	467	VII	70	58	0	1	0	0	0	1	0	1	1	2	0	0
264,153	241	238	27	25	8	11	276	274	VIII	26	29	0	0	0	1	1	2	0	0	3	2	0	0
873,000	2,927	2,953	259	271	170	194	3,356	3,418	IX Shelby County	450	434	0	5	3	2	6	7	12	6	17	19	2	1
	2,304	2,429	677	703	527	573	3,508	3,705	Out of State	13	23	0	1	0	1	0	0	0	0	1	0	0	0
5,483,535	15,219	15,485	1,784	1,858	1,114	1,224	18,117	18,567	--- TOTALS ---	1,504	1,499	0	11	16	15	17	24	34	23	63	77	4	6

**NOTES:**

①U.S. Bureau of the Census, 1999 estimated County Population for Tennessee Counties.

②This total includes suspensions for: non-payment of fee (587), non-compliance with CLE (181), disciplinary actions (156) and multiple suspensions (300).

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:**

**1999 2000**

<b>TRUST VIOLATIONS:</b> Recordkeeping, Embezzlement, Conversion, Commingling	90	97
<b>CONFLICT OF INTEREST:</b> Personal, As Public Official, Appearance of Impropriety, Business with Clients, Multiple Representation	75	60
<b>NEGLECT:</b> Preparation, Failure to Communicate, File, Appear or Perform	589	630
<b>MISREPRESENTATION OR FRAUD:</b> False Documents, Attestation, Statements, Failure to Clarify	99	106
<b>RELATIONSHIP WITH CLIENT:</b> Limiting Liability, Discussing Confidence, Improper Withdrawal, Not Releasing Documents, Extortion, Harassment, Failure to Protect Client's Interest	454	375
<b>FEES:</b> Overreaching, Excessive, Splitting Fee with Non-Lawyer, Improper Division, Failure to Refund, Improper Fee	62	61
<b>IMPROPER COMMUNICATIONS:</b> Advertising, Solicitation, Trial Publicity, Contact with Witnesses, Officials, Jury, Opposing Party	103	141
<b>CRIMINAL CONVICTION:</b> Felony, Misdemeanor, Other	6	5
<b>PERSONAL BEHAVIOR:</b> Competence, Mental Disability, Aiding Unauthorized Practice, Ineffective Assistance	25	20
<b>OTHER:</b> Reciprocal Discipline, not available	1	4

**TOTAL FILES OPENED:** 1,504 1,499

**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):** 420 418

**TOTAL MATTERS RECEIVED:** 1,924 1,917