

BOARD NOTES

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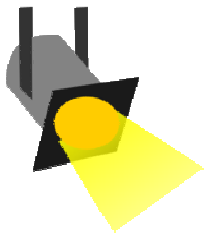
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Chief Disciplinary Counsel, Board of Professional Responsibility

Every day the Board of Professional Responsibility staff strives to fulfill the Board's mission of protecting the public and assisting lawyers and the Judiciary. Ethics Counsel and Disciplinary Counsel support lawyers and judges by responding to ethics inquiries by phone and internet, providing updated rule changes and disciplinary decisions on the Board's website and presenting continuing legal education programs. I hope the information included in this edition of *Board Notes* is helpful to you.



Tennessee Board of Law Examiners: Amendments to Tenn. Sup. Ct. Rule 7

By Lisa Perlen, J.D., Executive Director
Tennessee Board of Law Examiners

On December 21, 2015, the Tennessee Supreme Court entered an Order repealing Rule 7 in its entirety and replacing it with revised Rule 7. Related amendments to Rules 6, 8 (RPC 5.5) and 43 were adopted, as well. The revised Rule 7 and amendments were effective January 1, 2016. Although *Board Notes* is provided primarily to lawyers who are licensed, the changes to the Rules regarding licensing are important to practicing lawyers who might employ lawyers from out of state or recent law school graduates.

Among the changes adopted are provisions in Section 10.06, **Temporary License of Spouse of Military Servicemember**. The newly adopted Section permits the lawyer-spouse of someone in the military to obtain a temporary law license in Tennessee while the active-duty servicemember/spouse is stationed in Tennessee or at Fort Campbell, Kentucky. In order to qualify for a temporary license, the spouse of the active-duty servicemember must be licensed by examination and in good standing in another state, and meet other requirements. The temporary license may be renewed and time in practice under the temporary license will count towards the requirements for admission without examination. Fees for the temporary license, renewal, and subsequent application for permanent license are significantly less than permanent admission fees. This addition to the licensing rule demonstrates support for our military families in Tennessee.

Another change to Rule 7 and a corresponding change to Rule 8 (RPC 5.5) clarify the requirements for **In House Counsel**¹ to register with the Board of Law Examiners (“BLE”). Prior to the amendments, RPC 5.5 (d)(1) allowed a lawyer admitted in another U.S. jurisdiction who was located in Tennessee and who provided legal services only to the lawyer’s employer or organizational affiliates to provide legal services in this jurisdiction. In Comment 17 to RPC 5.5, the requirement to register with the BLE as In House Counsel was referenced. Many lawyers serving as In House Counsel failed to register, relying on the provisions of RPC 5.5(d)(1). Failure to register as In House Counsel carries dire consequences. If an application to register as In House Counsel is not submitted within 180 days of commencement of employment as a lawyer, the lawyer is subject to professional discipline in this jurisdiction² and is ineligible for admission without examination.³ Further, the BLE is required to refer the lawyer to the Board of Professional Responsibility and to the disciplinary authority of the jurisdictions of licensure.⁴ Because many lawyers serving as In House Counsel did not recognize the requirement to register with the BLE, the Supreme Court included an **amnesty provision**⁵ in Section 10.01. Lawyers who register on or before July 1, 2016, shall not be barred from registration under Section 10.01, admission pursuant to Article V (on motion/without examination), or from practice under the authority of RPC 5.5(d)(1) due to prior noncompliance with the registration requirements.

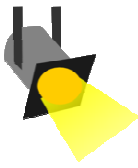
¹ Tenn. Sup. Ct. R. 7 § 10.01

² Tenn. Sup. Ct. R. 7 § 10.01(h)(1)

³ Tenn. Sup. Ct. R. 7 § 10.01(h)(2)

⁴ Tenn. Sup. Ct. R. 7 § 10.01(h)(3) and (4)

⁵ Tenn. Sup. Ct. R. 7 § 10.01(j)



Tennessee Board of Law Examiners

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Article V of Rule 7, which governs admission of lawyers licensed in another jurisdiction on motion/without examination, was completely revised. Section 5.01 outlines the requirements for applicants seeking admission on motion, defines “practice of law” for purposes of determining time in practice, clarifies that unauthorized practice of law is not included in the determination of time in practice, and precludes admission on motion for any applicant who failed the bar examination within 5 years of the application.

Another change that affects lawyers licensed in another jurisdiction and seeking admission in Tennessee either by examination or without examination is the addition of a provision that allows **practice pending admission**⁶. In order to qualify for practice pending admission, a lawyer must be in good standing in at least one other jurisdiction and associate with a local attorney, as well as meet other requirements. The BLE has adopted a new policy⁷ related to Practice Pending Admission that allows a lawyer-applicant who is seeking admission by examination to register prior to submitting an application if the deadline for submitting applications for the next examination has passed; however, a lawyer registering under this Policy must submit an application within five business days of the opening of the next exam application period.

Changes were adopted regarding the educational requirements for applicants. Applicants may participate in combined degree programs as long as they receive their Bachelor’s degree or higher and complete the requirements for their J.D. prior to the examination⁸. Graduates of a non-Tennessee, non-ABA accredited school may apply for admission by examination if the law school from which they graduated was approved by the state in which it is located, they are licensed by examination in the state in which the school is located, and they have been engaged in the active practice of law for five of the preceding seven years⁹. Applicants who received their legal education outside the United States or its territories must complete an LL.M. from an ABA-accredited or Tennessee-approved law school for practice of law in the United States¹⁰. The foreign-educated applicant must complete the course of study in English at a law school in the United States. Foreign-educated applicants continue to be required to have an education in their country that is equivalent to the undergraduate and law school requirements imposed on U.S. educated applicants.

Major changes regarding the character investigation are included in the new rule. The BLE or any member thereof is explicitly authorized to request an applicant to submit to a drug test as part of the character investigation. Failure of the applicant to do so is sufficient cause for denial of a license¹¹. Applicants who have been denied admission for failure to demonstrate good moral character, due respect of the law, or fitness to practice, may not reapply for admission for 36 months.¹²

⁶ Tenn. Sup. Ct. R. 7 § 5.01(g)

⁷ Board Policy P-5.01(g)

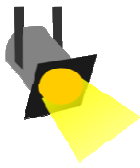
⁸ Tenn. Sup. Ct. R. 7 §§ 2.01 and 2.02

⁹ Tenn. Sup. Ct. R. 7 § 2.02(c)

¹⁰ Tenn. Sup. Ct. R. 7 § 7.01

¹¹ Tenn. Sup. Ct. R. 7 § 3.07(b)

¹² Tenn. Sup. Ct. R. 7 § 9.07



Tennessee Board of Law Examiners

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In conjunction with the adoption of revised Rule 7, the BLE adopted revised Board Policies and Procedures, which were approved by the Supreme Court on February 17, 2016. In addition to deleting Policies that were incorporated into revised Rule 7, the Board renumbered the Policies so that provisions correspond to the related Section in Rule 7.

Article XVI includes the application process for an attorney applying to take the bar examination pursuant to Tenn. Sup. Ct. R. 9 §§ 10 and 13 for reinstatement of a law license. The attorney must complete the application process required of any applicant and submit a disclosure that this application is for reinstatement of a law license. Submitting an application to the BLE constitutes the applicant's permission to allow the BLE to release the scores of the bar examination and the results of the background investigation directly to the Board of Professional Responsibility.

For more information on the Tennessee Board of Law Examiners, please contact:

Tennessee Board of Law Examiners
401 Church Street, Suite 2200
Nashville, Tennessee 37219
615-741-3234

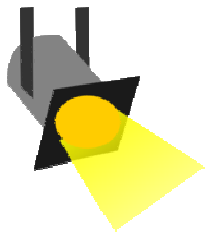
BLE.Administrator@tncourts.gov
www.tnble.org

New Disciplinary Counsel Steven J. Christopher

The Board of Professional Responsibility is pleased to welcome Steven J. Christopher to its staff as Disciplinary Counsel in the Board's investigative section. He is a graduate of Graceland College, Vanderbilt University Divinity School, and Harvard Law School. Most recently, he was the Managing Attorney of the Gallatin Office of the Legal Aid Society of Middle Tennessee and the Cumberlands. Steve brings to the Board 13 years of litigation experience in state and federal courts, as well as significant experience in administrative advocacy.



Steven J. Christopher



Criminal Law Practice: “Practical Pointers to Avoid Complaints”

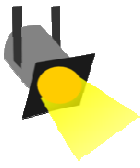
By Beverly P. Sharpe, Counsel/Director of Consumer Assistance
Board of Professional Responsibility

Criminal defendants account for nearly 50% of complaints filed by the 3800 legal consumers who contact the Consumer Assistance Program (CAP) each year. The following practical pointers are taken directly from complaints received. The primary ethical rule involved is given before each section of practical pointers.

Tennessee Supreme Court Rule 8, Rules of Professional Conduct

RULE 1.4: Communication

- **DON'T** communicate only the morning of court with the client.
DO call or write in advance as to preparation or what to expect at court.
- **DON'T** promise at a hurried court appearance to visit the jail in a few days and then not do so.
DO avoid such a promise if you usually can't keep it. Instead agree to write or call to follow up.
- **DON'T** ignore repeated client letters or calls with questions or ideas for witnesses or a defense.
DO respond in some fashion even if it is necessarily brief and document your communication.
- **DON'T** neglect to inform clients why their court date was continued and of the new court date.
DO inform clients in advance of delay or if delay is intentional or strategic, why so. Remember RPC 1.3 requires diligence.
- **DON'T** allow the client's relatives to have unrealistic expectations to speak with you frequently.
DO make it clear upfront if, when, and how often the client's relatives may contact you.
- **DON'T** give the client the impression that they may call you anytime, anywhere without charge.
DO make it clear that calls to you are not free and that an assistant handles routine questions.
- **DON'T** allow an assistant to be discourteous or agree to call-backs if you won't really call later.
DO train your assistant to answer routine questions accurately and to use good manners.



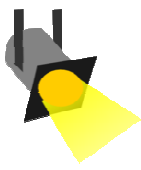
Criminal Law Practice: “Practical Pointers to Avoid Complaints” *(continued from the previous page)*

RULE 1.2: Scope of Representation and Allocation of Authority Between Client and Lawyer

- **DON'T** refuse to file motions requested by clients without consultation and explanation to them.
DO explain why their motion requests are not appropriate, not useful or are premature.
- **DON'T** fail to explain why certain issues will not be in the appeal. Remember Rule 1.4 requires consultation and communication.
DO consult on issues and send the client a copy of your brief, state's brief and your reply.
- **DON'T** fail to consult with the client on issues in a post-conviction petition and any amendment. See also Rule 1.4 Communication.
DO explain why some issues should not be included and copy the client on the amended petition.
- **DON'T** fail to explain why certain witnesses and proof cannot be used at an evidentiary hearing. See also Rule 1.4 Communication.
DO explain your reasons and strategy for how you will conduct the post-conviction hearing.
- **DON'T** fail to consider a proper withdrawal if there is a basic, irreconcilable disagreement on issues.
DO explain why some issues are misguided and the ethical rule prohibiting filing frivolous issues. See also Rule 3.1 Meritorious Claims and Contentions.
- **DON'T** fail to inform clients upfront if your representation is for one court or one charge only.
DO use written contracts so that there is no misunderstanding about the limits of your representation.

RULE 1.16: Declining or Terminating Representation

- **DON'T** fail to give your client copies of most writings on a timely basis. See also Rule 1.4 Communication.
DO document materials provided for when clients claim no discovery or an unreturned file.
- **DON'T** fail to learn what copy and postage costs the Administrative Office of the Courts will reimburse for indigent criminals.
DO factor in the copy and postage costs upfront when setting expense costs for retained clients.
- **DON'T** neglect to withdraw soon enough to avoid prejudice to the client's cause.
DO follow proper notice and withdrawal procedures requiring permission from the judge.

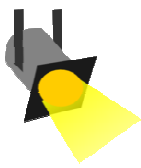


Criminal Law Practice: “Practical Pointers to Avoid Complaints” *(continued from the previous page)*

- **DON'T** neglect to follow the rules for retention, storage and disposition of closed files.
DO promptly surrender files to the client upon withdrawal or termination.

RULE 1.5: Fees

- **DON'T** fail to explain what your fee covers and what it does not.
DO use a written contract to make clear both your obligations and the client's.
- **DON'T** underestimate the expenses needed to pursue a case to the end.
DO inform clients upfront that mediator's, investigator's or expert's fees are not included in the attorney's fee.
- **DON'T** leave the impression that the non-client paying the fee can call the shots or interfere.
DO be clear to the fee-payer about who is the client and that your direction is from the client.
- **DON'T** refuse to consider a modest refund toward maintaining good client relations.
DO consider submitting a fee dispute to the local bar association's Fee Dispute Committee for mediation.
- **DON'T** sue the client for unpaid fees if you can avoid it or afford it.
DO bill regularly so that the client does not receive a large bill that was unexpected.
- **DON'T** neglect to contemporaneously document your time, work and expenses.
DO make sure your bill has enough detail that it doesn't look padded with exaggerated time.
- **DON'T** fail to follow the strict requirements for a non-refundable fee.
DO get any non-refundable fee in a signed writing, which is clear about the intent and amount.
- **DON'T** charge a contingency fee in a criminal or domestic case, except for an arrearage.
DO get all contingency fees agreements in writing.
- **DON'T** take a fee in property/labor unless the value and work is established upfront.
DO get any such fee arrangement clearly defined in writing.
- **DON'T** file an attorney's fee lien unless all procedures and notice requirements are met.
DO include the option of a lien in the written fee upfront agreement so the client is forewarned.



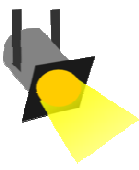
Criminal Law Practice: “Practical Pointers to Avoid Complaints” *(continued from the previous page)*

RULE 1.6: Confidentiality of Information

- **DON'T** be careless by talking about a case to other attorneys or friends at social events.
DO keep a reputation for strict adherence to guarding the confidences of clients.
- **DON'T** share client information with their relatives or friends without the client's explicit permission.
DO get your client's written permission before sharing information with others.
- **DON'T** think you can discuss a case so generally that the client's identity can't be guessed by someone.
DO maintain your client's trust by never speaking about the cases of other clients to them.
- **DON'T** have confidential discussions with your client in a crowded courthouse setting.
DO be sure your client feels secure to discuss matters without others overhearing.
- **DON'T** fail to warn clients of potential situations where “loose lips sink ships”.
DO tell clients that attorney-client privilege is at risk if a third person is present to hear confidences.
- **DON'T** give clients their files without checking that no other client's materials are included.
DO caution your legal assistant about strictly guarding confidences in every situation, including being overheard in the office or at social occasions.

RULE 1.7: Conflict of Interest: Current Clients

- **DON'T** forget the stringent requirements to represent co-defendants in criminal or juvenile delinquency cases and the strong caution against doing so.
DO get written informed consent from co-defendants and demonstrate to the tribunal there is no current or potential conflict. Also see Comment [35] and TN Rule of Criminal Procedure 44(c).
- **DON'T** forget who your former clients are and their relation to a current case or client.
DO have a system to check for conflicts that does not rely on your memory alone.
- **DON'T** forget that witness cross-examination (current or former client) may create a conflict.
DO remember that a future potential conflict must be considered and found not to be likely to develop.



Criminal Law Practice: “Practical Pointers to Avoid Complaints” *(continued from the previous page)*

RULE 1.3: Diligence

- **DON'T** continue cases for your convenience or due to your unreasonable failure to be prepared.
DO have fail-proof reminder and calendar systems for your business obligations.
- **DON'T** delay cases when important client objectives or goals are on the line, which is almost always.
DO document to the file and explain to the client why any delay is necessary or desirable.
- **DON'T** give clients unrealistic expectations of fast results if that is unlikely.
DO warn clients upfront about the time frame of a case and delays that may occur.

RULE 1.1: Competence

- **DON'T** take cases in new areas of practice without the time and work required to become quickly competent.
DO access a Mentor attorney, Tenn. Sup. Ct. R. 21 Section 4.07(d), sponsored by various law-related organizations throughout the state or consult an experienced attorney willing to help.
- **DON'T** guess if in doubt about your ethical obligations in any situation.
DO often review Tenn. Sup. Ct. R. 8 to maintain ethical competence.

If in doubt, **DO** contact the Board's Ethics Counsel for guidance:

LAURA CHASTAIN, Ethics Counsel
Board of Professional Responsibility
lchastain@tbpr.org
615-361-7500 ext. 212 or 1-800-486-5714 ext. 212

Supreme Court Appoints New Board Members

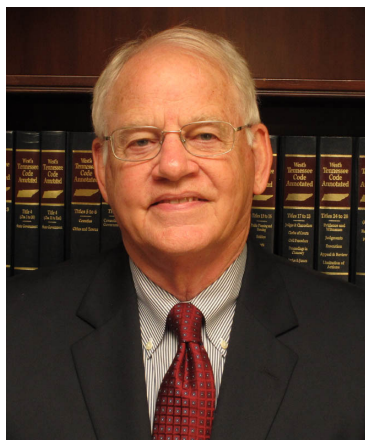
The Tennessee Supreme Court has appointed Joe Looney, Jon Lundberg, and Jimmie C. Miller as new members of the Board of Professional Responsibility of the Supreme Court of Tennessee in 2016. Board members do not receive compensation for their service.

Joe Looney was born in Murfreesboro, Tennessee, and grew up in Bedford County. He attended University of Tennessee for both undergraduate and law school, and was admitted to the Tennessee Bar in 1971. Mr. Looney served as an officer in the United States Army Adjutant General Corp from 1971 to 1973, and has been in private practice in Crossville, Tennessee since then. He specializes in transactional practice involving banking, real estate, and probate and administration of estates.

Jon Lundberg is president and CEO of The Corporate Image, Inc., a media and public relations firm in Bristol, Tennessee, and CEO of Corporate Marketing, an award-winning advertising firm. He received his bachelor's in communications from Colorado State University and attended graduate school at Wichita State University. He is also in his fifth term as a Tennessee State Representative, representing the first legislative district. Rep. Lundberg serves as Chairman of the Civil Justice Committee and is a member of the Civil Justice Subcommittee, the Insurance and Banking Committee, the Calendar and Rules Committee, the Governor's Council for Armed Services, the American Legislative Exchange Council, National Council of State Legislatures, Council of State Governments and the National Council of Insurance Legislators.

Additionally, Rep. Lundberg is a Captain in the U.S. Navy Reserve and is currently assigned to the Office of the Chairman of the Joint Chiefs of Staff. In this role, he is involved in intelligence briefings and provides support to the National Military Command Center, Crisis Management Teams, OSD, COCOMs and interagency partners.

Jimmie C. Miller is a partner at Hunter, Smith Davis, LLP in Kingsport, Tennessee, where her practice focus is medical malpractice defense litigation and commercial litigation. Mrs. Miller was inducted as a Fellow into the American College of Trial Lawyers in 2009. She previously served on the Tennessee Board of Law Examiners and has served in various leadership roles with the TBA and the Northeast Tennessee Chapter of the Federal Bar Association. She received a BA from the University of Tennessee, summa cum laude, in 1979 and a J.D., high honors, in 1981.



Joe Looney



Jon Lundberg



Jimmie C. Miller



Supreme Court Appoints Hearing Committee Members

On March 16, 2016, the Supreme Court entered an Order appointing the following individuals as Hearing Committee Members for the Board of Professional Responsibility:

- District I:** Julie R. Canter; Olen Haynes, Jr., Nikki C. Pierce, Laura Steel Woods
District II: James C. Cone, Russell Johnson, Mary Ann Stackhouse, Clinton John Woodfin, Broderick Lee Young
District III: Stephen D. Crump, Philip M. Jacobs, William C. Killian, William Tyler Weiss
District IV: Tommy Thompson
District V: Jeffrey S. Henry, James Milam, William R. O'Bryan, Jr., Rebekah Lea Shulman, M. Bernadette Welch
District VI: Greg Burlison, Anita Lynn Vinson Coffinberry, Michael J. Fahay, II, Kim R. Helper, David Arthur Kozlowski, Jerry Vincent Smith
District VII: Bob G. Gray, Paul D. Hessing
District VIII: C. Phillip Bivens
District IX: Karen Martin Campbell, Jessica Renee Farmer, Amber D. Floyd, Kimbrough B. Mullins, Michael C. Patton, Eugene Podesta, Russell W. Savory, Jennifer Sink, Buckner Wellford



Similarly, the Court entered Orders on March 16, 2016 and March 23, 2016, re-appointing the following individuals:

- District I:** Curtis Dwaine Evans, Charles T. Herndon, IV, Steven W. Terry
District II: G. Keith Alley, Joseph R. Ford, James G. O'Kane, Jr., Hugh B. Ward, Jr.
District III: Ginger W. Buchanan, Michael E. Jenne, Lynn D. Swafford
District IV: n/a
District V: Waverly D. Crenshaw, Jr., Robert J. Mendes, P. Matthew Potempa, Matthew J. Sweeney, III
District VI: Patrick A. Flynn, Joseph W. Henry, Jr., Charles W. Holt, Michael E. Spitzer
District VII: n/a
District VIII: n/a
District IX: David Lee Bearman, Vivian Ray Donelson

Formal Ethics Opinions

2015-F-160 and Amended 2015-F-160(a)



On December 11, 2015, the Board of Professional Responsibility issued a Formal Ethics Opinion regarding the lawyer's responsibility regarding client files. On March 11, 2016, the Board of Professional Responsibility issued amended Formal Ethics Opinion 2015-F-160(a) clarifying that RPC 1.15 does not require client files be retained five (5) years; however, the Board recommends as a guideline that client files be retained five years. Other factors such as client consent may alter that recommended five-year retention period.

Copies of Formal Ethics Opinion 2015-F-160 and 2015-F-160(a) are attached.

BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE

FORMAL ETHICS OPINION 2015-F-160

The Board of Professional Responsibility has been requested to issue a Formal Ethics Opinion as guidance for lawyers regarding the lawyer's responsibility with regard to client files.

OPINION

Lawyers have ethical obligations to preserve client files and to return them or permit access to them by the client if requested. There is no Rule of Professional Conduct in Tennessee that requires a lawyer to retain client files for more than five (5) years following termination of representation; however, the type of representation and file contents may require a longer retention time. *See discussion.*

The entire client file, for which the lawyer has been compensated, belongs to the client. If the lawyer wants a copy, the lawyer should bear that expense. If the lawyer has not been compensated, the lawyer may retain work product, but only if retention of the work product will not have a materially adverse effect on the client with respect to the subject matter of the representation.

When a lawyer retires from the practice of law, his or her responsibility for client files does not end with retirement. If the lawyer has been practicing in a law firm, those responsibilities are shared by the firm. A retiring lawyer does not necessarily have to notify former clients of the lawyer's retirement advising such clients of various safekeeping options, provided the lawyer has made arrangements for the safekeeping of files for an appropriate period of time. A lawyer retiring from a firm may satisfy the safekeeping requirement by the firm's keeping the files. Assuming a retiring solo practitioner has not changed his or her residence and can reasonably be contacted by former clients, such retiring solo practitioner may satisfy the safekeeping requirement by simply keeping the files in a location readily accessible to the retiring lawyer and/or client. This further assumes that confidentiality of the files can be maintained. The retiring lawyer may choose to notify the clients, and, if an agreement has not already been reached with regard to the client files, the lawyer may propose some alternatives: placing the files with a named attorney who will assist the retiring lawyer in closing out his or her law practice, or assist the client in transferring the files to an attorney chosen by the client, or return the files to the client.

DISCUSSION

The most common questions received by Ethics Counsel for the Board and therefore issues for consideration are:

- 1) How long does a lawyer have to retain client files?
- 2) Who owns the file—the lawyer or the client?
- 3) What constitutes the client file?
- 4) What are the lawyer's responsibilities with regard to client files when a lawyer retires?

HOW LONG DOES A LAWYER HAVE TO RETAIN CLIENT FILES?

This is the most common question received by Ethics Counsel and one of the most difficult to answer because it generates a host of other questions: Does the client file contain original client records? Were trust funds involved in the representation? Does the client file contain financial records of the client? Was a minor involved in the representation?

Tennessee Rule of Professional Conduct 1.15 is the foundation for the lawyer's obligation to maintain client records, which states in pertinent part:

- (a) A lawyer shall hold property and funds of clients or third persons that are in a lawyer's possession in connection with a representation separate from the lawyer's own property and funds.
- (b) ...property shall be identified as such and appropriately safeguarded. Complete records of such ... property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation.
- (d) ... Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client ... any property that the client ... is entitled to receive and, upon request by the client..., shall promptly render a full accounting regarding such...property.¹

All lawyers are aware of the continuing economic burden of storing retired and inactive files.² Lawyers do not have a general duty to preserve permanently all files for their former clients. D.C. Bar Op. 206 (1989); ABA Informal Op. 1384 (1977).

Lawyers have ethical obligations (as well as in some cases legal ones) to preserve client files and to return them or permit access to the client if requested.³

¹ Tenn. Sup. Ct. R.8. RPC R. 1.15 (2009).

² See, J.R. Phelps and Terri Olson, When May I Destroy My Old Files? Fla. Bar J. (1994)

³ See, Sage Realty Corp. v. Proskauer Rose Goetz & Mendelsohn L.L.P., 91 N.Y. 2d 30, 689 N.E. 2d 879 (1997); ABA Comm. on Prof'l. Resp., Formal Op. 157 (2001) [hereinafter ABA Informal Op. 1384]; Cal. Bar Standing

To avoid uncertainty regarding the treatment of client files, it is sound law practice management for lawyers to make arrangements with their client for the disposal of clients' files either in the initial representation agreement or in an agreement terminating the attorney client relationship. *See* West Virginia Op. 2002-01 (3/8/02); Wis. Ethics Op. E-98-1(1998). In the absence of such agreement, however, the lawyer must be guided by the provisions of Rule 1.16(d). D.C. Bar Op. 283 (1998). Rule 1.16(d) provides in pertinent part:

. . . (4) promptly surrendering papers and property to which the client is entitled and any work product prepared by the lawyer for the client and for which the lawyer has been compensated; (5) promptly surrendering any other work product prepared by the lawyer for the client, provided, however, that the lawyer may retain such work product to the extent permitted by other law but only if the retention of the work product will not have a materially adverse affect [sic] on the client with respect to the subject matter of the representation. . .

This Board of Professional Responsibility opinion seeks to suggest reasonable guidelines to ensure the ethical disposition of closed client files. There is no one safe answer to the central question of how long must the closed files be kept before they are destroyed. Lawyers can use the following considerations to determine when a matter is concluded for purposes of RPC 1.15:

Contract actions -	satisfaction of judgment or dismissal of action.
Bankruptcy claims and filings -	discharge of debtor or discharge of trustee or receiver.
Dissolution of marriage -	final judgment or dismissal of action; except when child custody is involved, in which event the date of the last minor child's reaching majority.
Probate claims and estates-	entry of the order closing the estate.
Tort claims -	final judgment or dismissal of action; except when a minor is involved, in which event the date of the minor's reaching majority and expiration of the statute of limitations.
Real estate transaction -	settlement date of the transaction, judgment, foreclosure, or other completion of matter.
Lease -	termination of lease.
Criminal cases -	date of acquittal or length of the period of governmental control over defendant. ⁴

A closed file should not be destroyed prior to the expiration of the statute of limitations. This is an obvious necessity for the protection of the lawyer from charges of malpractice.

Comm. on Prof'l. Resp. and Conduct, Formal Op. 157 (2001) [hereinafter Cal. Bar Formal Op. 2001-157]; Conn. Bar Ass'n, Informal Op. 98-23 (1998) [hereinafter Conn. Bar Informal Op. 98-23]; Ass'n of the Bar of the City of N.Y. Comm. On Prof'l and Judicial Ethics, Formal Op. 4 (1986) [hereinafter N.Y. Formal Op. 86-4]; Restatement of the Law Governing Lawyers § 46 (2000).

⁴ *See* J.R. Phelps and Terri Olson, When May I Destroy My Old Files? Fla. Bar J. (1994)

Clearly, under RPC 1.15 client property and financial records must be kept for a minimum of five (5) years following termination of representation. As set forth in Supreme Court Rule 9, section 35(a)(2), if the file contains trust account records (not maintained elsewhere), financial records of the client, contingent fee disbursement records and documents that the client has provided to the lawyer, five (5) years after termination of representation is required.

Some files should be retained longer. Files pertaining to minors should be retained until their majority and the expiration of any statutes of limitations. Certain tax files should be maintained until the client is no longer exposed to tax liability. A lawyer might also wish to consider retaining closed files for six (6) years, the usual statute of limitation period for contract claims in Tennessee, after the conclusion of the representation. Lawyers may also seek recommendations on file retention from their malpractice carriers.⁵

Many jurisdictions have opined that deeds, wills and settlement agreements constitute the “other property” referred to in RPC 1.15 because of their intrinsic value. *See* Wis. Ethics Op. E-98-1(1998); 58 Ala. Law 368 (1997); Mich. Ethics Op. R-12 (1991).

Before destroying any files, the lawyer must ensure that original wills, trust documents, deeds, and other non-replaceable documents have been removed. The best time to return them to the client is at or near the conclusion of the representation. The method of destroying the records must protect the confidentiality of the materials. W. Va. Op. 2002-01 (2002).

Based on the foregoing considerations and the guidance given by the Florida Bar⁶ and the American Bar Association,⁷ the following should provide general guidelines for how long a lawyer must retain client files:

1. There is no Tennessee Rule of Professional Conduct that requires a retention period of greater than 5 years following the termination of representation; however, the type of representation involved may mandate a longer retention time.
2. Authority to dispose of a file should be obtained from a client whenever possible, so the better practice would be to address file retention initially or contact all clients and determine their wishes.
3. Absent client authority to dispose of files, an attorney should individually review files and be satisfied that no important papers of the clients are contained in the file before destruction.

⁵ W. Va. Op. 01 (2002)

⁶ J.R. Phelps and Terri Olson, When May I Destroy My Old Files? Fla. Bar J. (1994)

⁷ ABA Informal Op. 1384 (1977)

WHO OWNS THE FILE -- THE LAWYER OR THE CLIENT?

In a majority of the states the client file belongs to the client entitling the client open access to the entire file.⁸ In states where this is the case, the rule is subject to any lien rights if the client has not paid its legal bills. However, when a client cannot afford to pay the legal bill and surrender of the materials is necessary to avoid materially adverse effect to the client, the lawyer cannot retain the file as security. If the lawyer wants to retain a copy of the file, the lawyer must bear the expense of the copy.⁹ *See also* RPC 1.16 (d) and cmt 9.

The Tennessee Supreme Court has made it clear that in Tennessee the file belongs to the client. In its comment to RPC 1.16 [cmt 9], when discussing the lawyer's duty to surrender contents of the client's file, the Court says that "The lawyer may, at the lawyer's own expense, make a copy of the client file materials for retention by the lawyer prior to surrender." Upon termination of a representation either by withdrawal or discharge of the lawyer by the client, RPC 1.16(d) mandates

. . . (4) promptly surrendering papers and property to which the client is entitled and any work product prepared by the lawyer for the client and for which the lawyer has been compensated; (5) promptly surrendering any other work product prepared by the lawyer for the client, provided, however, that the lawyer may retain such work product to the extent permitted by other law but only if the retention of the work product will not have a materially adverse affect [sic] on the client with respect to the subject matter of the representation. . .

WHAT CONSTITUTES THE CLIENT FILE?

RPC 1.16(d) states that a lawyer who is discharged by a client, or withdraws from representation shall promptly surrender papers and property to which the client is entitled and any work product prepared by the lawyer for the client and for which the lawyer has been compensated; and promptly surrender any other work product prepared by the lawyer for the client, provided however, that the lawyer may retain such work product to the extent permitted by other law but only if retention of the work product will not have a materially adverse effect on the client with respect to the subject matter of the representation. *Id.* at (4), (5).

The Tennessee Rules of Professional Conduct do not define the "papers and property to which the client is entitled," that the lawyer must surrender pursuant to Rule 1.16(d). Jurisdictions vary in their interpretation of this obligation. A majority of jurisdictions follow what is referred to as the "entire file" approach.¹⁰ The entire file approach assumes that the client has an expansive

⁸ *Matter of Sage Realty Corp v. Proskauer Rose Goetz & Mendelsohn, L.L.P.*, 91 N.Y. 2d 30 (1997)

⁹ Anthony E. Davis and David J. Elkanich, "Files: Who owns them?" *A Lawyer's Guide to Records Management Issues*, Chubb & Son, a division of Federal Insurance Company, (2005).

¹⁰ ABA Formal Opinion 471 (2015). *See, e.g., Iowa Sup. Ct. Atty. Disciplinary Bd. v. Gottschalk*, 729 N.W.2d 812 (2007) (failure to return entire file to client violates disciplinary rules); Alaska Bar Ass'n Ethics Comm. Op. 3 (2003); Ariz. Formal Op. 04-01 (2004); Colo. Bar Ass'n. Formal Op. 104 (1999); D.C. Bar Op. 333 (2005); or. Bar Ass'n Formal Op. 125 (2005); Va. State Bar Op. 1399 (1990). This approach is also advocated by the Restatement

general right to materials related to the representation and retains that right when the representation ends.¹¹

N. Y. State Bar Op. 766 (2003) states that “a former client is entitled to any document related to the representation unless substantial grounds exist to refuse access.” The ALI Restatement of the Law Governing Lawyers Subpart 2 of section 46 states: “(2) On request, a lawyer must allow a client or former client to inspect and copy any document possessed by the lawyer relating to the representation, unless substantial grounds exist to refuse.”

Other jurisdictions follow variations of an end-product approach, which has been defined as “...End product, under the foregoing minority view, includes such items as pleadings actually filed in an action; correspondence with a client, opposing counsel and witnesses; and other papers ‘exposed to public light by the attorney to further [the] client’s interests.’ ”¹² In Illinois clients are entitled to copies of the final versions of contracts, wills, corporate records and similar records prepared for the client’s actual use, as opposed to the lawyer’s drafts. *See* Ill. State Bar Assn., 94-13 at p. 4 (1995).¹³

Based on legal precedent and the Tennessee Rules of Professional Conduct, Tennessee follows the entire file approach. In the case of Saroff v. Cohen, No. E200800612COAR3CV, 2009 WL 482498 (Tenn. Ct. App. Feb. 25, 2009), the only file contents that the court found not to constitute part of the client file were the law firm invoices that were held to be accounts receivable records of the law firm. In further support of the premise that the client owns the entire file, is the Tennessee Supreme Court’s comment [9] to RPC 1.16 which states that “The lawyer may, at the lawyer’s own expense, make a copy of the client file materials for retention by the lawyer prior to surrender.”

WHAT ARE THE LAWYER’S RESPONSIBILITIES WITH REGARD TO CLIENT FILES WHEN THE LAWYER RETIRES?

When a lawyer retires, the quandary about what to do with his or her closed files is a common question asked of Ethics Counsel. When a law firm dissolves or a lawyer retires from practice, additional questions arise concerning the disposition of closed files. Dissolution or retirement from practice clearly does not relieve the lawyer of a professional obligation to maintain closed files. *See e.g.,* N. Y. State Bar Op. 460 (1977). Of course, whether or not the lawyer is a sole practitioner is a critical fact. If the lawyer has been practicing in a law firm, responsibility is shared with the other members of that firm.¹⁴

(Third) of The Law Governing Lawyers §46 (2000) (“on request, a lawyer must allow a client or former client to inspect and copy any document possessed by the lawyer relating to the representation, unless substantial grounds exist to refuse.”); Ala. Bar, Formal Op., 02 (2010); Ariz. Bar Op. 02 (2008)

¹¹ ABA Formal Op. 471 (2015)

¹² Fed. Land Bank of Jackson in Receivership v. Fed. Intermediate Credit Bank of Jackson, 127 F.R.D. 473, 479 (S.D. Miss. 1989)

¹³ *See Sage Realty Corp. v. Proskauer Rose Goetz & Mendelsohn*, 91 N.Y. 2d 30, 689 N.E. 2d 879, 881 (1997)

¹⁴ N. Y. State Bar Op. 623 (1991); N.C. Formal Ethics Op. 13 (2012).

There are several state and local bar association ethics opinions that have discussed lawyers' and law firms' obligations with regard to client files when the lawyer either retires from his or her firm or the firm with which he or she was associated dissolves. In general these opinions state that a lawyer has joint and several responsibilities with the firm to ensure that the files are disposed of properly. *See e.g.*, N. Y. State Bar Op. 623 (1991).

A retiring lawyer does not necessarily have to notify former clients of the lawyer's retirement advising such clients of various safekeeping options, provided the lawyer has made arrangements for the safekeeping of files for an appropriate period of time. A lawyer retiring from a firm may satisfy the safekeeping requirement by the firm's keeping the files. Assuming a retiring solo practitioner has not changed his or her residence and can reasonably be contacted by former clients, such retiring solo practitioner may satisfy the safekeeping requirement by simply keeping the files in a location readily accessible to the retiring lawyer and/or client. This further assumes that confidentiality of the files can be maintained. The retiring lawyer may choose to notify the clients, and, if an agreement has not already been reached with regard to the client files, the lawyer may propose some alternatives: placing the files with a named attorney who will assist the retiring lawyer in closing out his or her law practice, or assist the client in transferring the files to an attorney chosen by the client, or return the files to the client. *See Fla. Bar Op. 77-1 1977 (Revised, 1992)*. Similarly the Ohio Bar Association advises consumers that "Lawyers who are retiring, or who can anticipate suspension of their right to practice, will generally have time to notify clients and return files and property or obtain permission to provide them to a lawyer approved by the client."¹⁵

CONCLUSION

Lawyers have ethical obligations to preserve client files and to return them or permit access to them by the client if requested. There is no Rule of Professional Conduct in Tennessee that requires a lawyer to retain client files for more than five (5) years following termination of representation; however, the type of representation and file contents may require a longer retention time. *See RPC 1.15 and 1.16*. Particular files should be retained longer due to the type of representation, such as cases involving minors, and those files whose contents cannot be replaced, such as original wills.

The entire client file, for which the lawyer has been compensated, belongs to the client. If the lawyer wants a copy, the lawyer should bear that expense. *See RPC 1.16(d) and [cmt 9]*. If the lawyer has not been compensated, the lawyer may retain work product to the extent permitted by other law but only if retention of the work product will not have a materially adverse effect on the client with respect to the subject matter of the representation. *See RPC 1.16(d)(5)*.

When a lawyer retires from the practice of law, his or her responsibility for clients files does not end. If the lawyer has been practicing in a law firm, those responsibilities are shared by the firm. A retiring lawyer does not necessarily have to notify former clients of the lawyer's retirement advising such clients of various safekeeping options, provided the lawyer has made arrangements for the safekeeping of files for an appropriate period of time. A lawyer retiring from a firm may

¹⁵ Mark H. Aultman, What Happens When a Lawyer's Practice Closes? Ohio State Bar Ass'n (2013)

satisfy the safekeeping requirement by the firm's keeping the files. Assuming a retiring solo practitioner has not changed his or her residence and can reasonably be contacted by former clients, such retiring solo practitioner may satisfy the safekeeping requirement by simply keeping the files in a location readily accessible to the retiring lawyer and/or client. This further assumes that confidentiality of the files can be maintained. The retiring lawyer may choose to notify the clients, and, if an agreement has not already been reached with regard to the client files, the lawyer may propose some alternatives: placing the files with a named attorney who will assist the retiring lawyer in closing out his or her law practice, or assist the client in transferring the files to an attorney chosen by the client, or return the files to the client

This 11th day of December, 2015.

ETHICS COMMITTEE:

Joe G. Riley

Michael U. King

Odell Horton, Jr.

APPROVED AND ADOPTED BY THE BOARD

BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE

FORMAL ETHICS OPINION 2015-F-160(a)

The Board of Professional Responsibility issues this amended Formal Ethics Opinion to clarify a lawyer's responsibility with regard to client files.

OPINION

The Board of Professional Responsibility recommends a lawyer retain client files for five (5) years after termination of representation; however, this is merely a guideline and may be altered by client agreement or the type of representation and contents of the file.

DISCUSSION

Tennessee Rule of Professional Conduct 1.15(b) provides:

Funds belonging to clients or third persons shall be deposited in a separate account maintained in an FDIC member depository institution having a deposit-accepting office located in the state where the lawyer's office is situated (or elsewhere with the consent of the client or third person) and which participates in the required overdraft notification program as required by Supreme Court Rule 9, Section 35.1. A lawyer may deposit the lawyer's own funds in such an account for the sole purpose of paying financial institution service charges or fees on that account, but only in an amount reasonably necessary for that purpose. Other property shall be identified as such and appropriately safeguarded. Complete records of such funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation.¹

RPC 1.15(b) requires complete records of funds belonging to clients or third persons or other property be kept five (5) years after termination of representation.

¹ Tenn. Sup. Ct. R.8 RPC 1.15(b) (2009).

Similarly, Tennessee Supreme Court Rule 9, Section 35.1(a)(2) provides:

Every attorney engaged in the practice of law in Tennessee shall maintain and preserve for a period of at least five years, after final disposition of the underlying matter, the records of the accounts, including checkbooks, canceled checks, check stubs, vouchers, ledgers, journals, closing statements, accounting or other statements of disbursements rendered to clients or other parties with regard to trust funds or similar equivalent records clearly and expressly reflecting the date, amount, source and explanation for all receipts, withdrawals, deliveries and disbursements of the funds or other property of a client. The five year period for preserving records created herein is only intended for the application of this rule and does not alter, change or amend any other requirements for record-keeping as may be required by other laws, statutes or regulations.²

These rules support the Board's recommendation that a lawyer retain client files for five years after termination of representation.

CONCLUSION

Based on the above rules, the Board of Professional Responsibility recommends the following guidelines:

1. The Board of Professional Responsibility recommends a lawyer retain client files for five (5) years after termination of representation; however, this guideline may be altered by client agreement and/or the type of representation and contents of the file.
2. A client may consent to an attorney retaining a file for less than five years.³ Authority to dispose of a file should be obtained from a client whenever possible, so the better practice would be to address file retention initially or contact all clients and determine their wishes.
3. Absent client authority to dispose of files, an attorney should individually review files and be satisfied that original documents that have economic, legal, or evidentiary value are not destroyed.

² Tenn. Sup. Ct. R. 9, § 35.1(a)(2) (Adopted August 30, 2013, effective January 1, 2014.)

³ Requirements for record keeping as set forth in in Tenn. Sup. Ct. R. 8, RPC 1.15(b) and Tenn. Sup. Ct. R. 9, Section 35.1(a)(2) may not be altered by client consent.

The Board of Professional Responsibility hereby modifies Formal Ethics Opinion 2015-F-160 as reflected above. All other provisions of Formal Ethics Opinion 2015-F-160 remain in effect.

This 11th day of March, 2016

ETHICS COMMITTEE:

Joe G. Riley

Michael U. King

Odell Horton, Jr.

APPROVED AND ADOPTED BY THE BOARD

Disciplinary Actions

- (October, 2015 – February, 2016)
-

DISBARMENTS

George Ernest Skouteris, Jr. (Shelby County)

On February 9, 2016, George Ernest Skouteris, Jr., of Memphis, Tennessee, was disbarred from the practice of law by Order of the Tennessee Supreme Court. As a condition of reinstatement, Mr. Skouteris must make restitution to two former clients. The disbarment begins on February 9, 2016. Mr. Skouteris must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

Mr. Skouteris represented a husband and wife as a result of a 2007 automobile accident. In 2010, he agreed to a settlement with one insurer in the amount of \$7,974 and with another in the amount of \$8,500. He did not have his clients' authority to agree to the settlements nor did he tell them about the settlements. He signed their names to the settlement checks without their knowledge or consent and deposited them to his trust account. Over time, he misappropriated the settlement funds. He avoided his clients' efforts to communicate with him over the years and then, in 2014, he led them to believe their lawsuit was ongoing. He failed to advise them that he had been previously disbarred in 2014.

Mr. Skouteris' ethical misconduct violates Rules of Professional Conduct 1.2(a), Scope of Representation; 1.4, Communication; 1.15(a) and (d), Safekeeping Property and Funds; 8.1(b), Bar Admission and Disciplinary Matters; and 8.4(a), (b), (c) and (g), Misconduct.

Mr. Skouteris was previously disbarred by the Tennessee Supreme Court on February 21, 2014 and April 21, 2015, and remains disbarred.

Matthew Bastian (Maury County)

On February 3, 2016, Matthew Bastian, formerly of Columbia, Tennessee, was disbarred by Order of the Tennessee Supreme Court. The Order disbaring Mr. Bastian is effective as of the date of filing. Mr. Bastian is required to pay restitution to a former client and the Board's costs in the disciplinary action.

A Petition for Discipline was filed against Mr. Bastian alleging a lack of competence, diligence and communication; failure to refund unearned fees or respond to the Board; and abandoning his client and law practice. In December, 2012, Mr. Bastian received a \$4,500.00 retainer to prosecute an employment discrimination complaint. After entering his appearance as attorney of record, Mr. Bastian failed to appear at three (3) separate case management conferences or respond to an order from the Court. Mr. Bastian abandoned his client and his law practice without proper notice to his client, did not provide the professional services for which he was retained and failed to refund unearned fees. Mr. Bastian failed to respond to the Petition for Discipline or appear at trial.

DISBARMENTS (continued)

Mr. Bastian's conduct violated Rules of Professional Conduct (RPC) 1.1 (competence); 1.3 (diligence); 1.4 (communication); 1.16 (declining or terminating representation); 3.2 (expediting litigation); and 8.1 (bar admissions and disciplinary matters); and 8.4, (misconduct).

Billy J. Reed (Knox County)

On February 2, 2016, Billy J. Reed, formerly of Knoxville, Tennessee, was disbarred from the practice of law by Order of the Tennessee Supreme Court and ordered to make restitution to two former clients. The order is effective upon entry. Mr. Reed must pay the Board's costs and expenses and the court costs within ninety (90) days of the entry of the Order of Enforcement.

A Petition for Discipline was filed against Mr. Reed consisting of two (2) complaints alleging Mr. Reed accepted fees but performed no material legal services, made material misrepresentations to his clients and abandoned his practice. In the first matter, Mr. Reed accepted \$15,000 to represent a client in a will contest. Over the course of four years, Mr. Reed did little legal work, failed to communicate, and failed to appear at the trial. After being terminated by the client, Mr. Reed failed to refund unearned fees. In the second complaint, Mr. Reed accepted a \$1,500 fee to file an emergency child custody proceeding. Mr. Reed never filed the emergency petition, failed to reasonably communicate with his client, misrepresented the petition had been filed and fraudulently required the client to reimburse him \$200 for filing fees. Mr. Reed abandoned his clients and his practice without proper or sufficient notice to his clients and failed to respond to the Petition for Discipline or appear at trial.

Mr. Reed's conduct violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication); 1.16(d) (declining and terminating representation); 3.2 (expediting litigation); 8.1(b) (bar admission and disciplinary matters); and 8.4 (a), (c), and (d) (misconduct).

David Sicay-Perrow (Georgia)

On January 26, 2016, David Sicay-Perrow, an attorney licensed to practice law in Tennessee and residing in Atlanta, Georgia, was disbarred from the practice of law by Order of the Tennessee Supreme Court. As a condition of reinstatement, Mr. Sicay-Perrow must comply with the terms of settlement agreements made in lawsuits brought against him by two former clients. The disbarment begins on January 26, 2016. Mr. Sicay-Perrow must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

Mr. Sicay-Perrow received funds on two (2) occasions which were intended for a client. The funds were to be sent directly to the client but, instead, he deposited them to his operating account. On another occasion, Mr. Sicay-Perrow received settlement funds for a second client which should have been deposited to his trust account but, instead, he deposited them to his operating account. Substantial portions of these funds were used to pay Mr. Sicay-Perrow's operating expenses. He failed to keep appropriate trust account records, commingled funds and failed to adequately monitor his trust account.

DISBARMENTS (continued)

Mr. Sicay-Perrow's ethical misconduct violates Georgia Rules of Professional Conduct 1.15(I)a, Safekeeping Property-General; 1.15(II)b, Safekeeping Property-Trust Account and IOLTA; 1.15(III)a, Record Keeping; 5.3a, Responsibilities Regarding Nonlawyer Assistants; and 8.4a, Misconduct.

Mr. Sicay-Perrow was suspended by the Tennessee Supreme Court on August 19, 2015, for failing to comply with continuing legal education requirements and remains so suspended.

Patricia Donice Butler (Roane County)

On January 7, 2016, Patricia Donice Butler, of Roane County, Tennessee, was disbarred by the Tennessee Supreme Court and ordered to pay restitution. The disbarment took effect immediately. Ms. Butler must pay the Board of Professional Responsibility's costs and expenses and court costs within ninety days.

A Petition for Discipline was filed on November 14, 2014, and a Supplemental Petition for Discipline was filed on April 16, 2015. The Petitions contained five (5) complaints alleging that Ms. Butler made false and misleading statements about members of a hearing panel, failed to diligently represent her clients, failed to communicate with her clients, failed to take necessary steps to protect her clients' interest and failed to respond to Disciplinary Counsel investigating this case.

The Hearing Panel determined that Ms. Butler's actions violated Tennessee Rules of Professional Conduct 1.3 (diligence); 1.4 (communication); 1.16 (declining and terminating representation); 8.1 (bar admission and disciplinary matters) and 8.4(a), (c) and (d) (misconduct).

Spence Roberts Bruner (Roane County)

On December 21, 2015, Spence Roberts Bruner, of Harriman, Tennessee, was disbarred by the Tennessee Supreme Court and ordered to pay restitution totaling \$4,250. The disbarment took effect immediately. Mr. Bruner must pay the Board of Professional Responsibility's costs and expenses and court costs within ninety days.

A Petition for Discipline was filed on March 28, 2014, and a Supplemental Petition for Discipline was filed on October 6, 2014. The Petitions contained five (5) complaints alleging that Mr. Bruner failed to diligently represent his clients, failed to communicate with his clients and failed to respond to Disciplinary Counsel investigating this case.

The Hearing Panel determined that Mr. Bruner violated Rules of Professional Conduct 1.3, (Diligence); 1.4, (Communication); 8.1, (Bar and Disciplinary Matters) and 8.4(a), (Misconduct).

Should Mr. Bruner petition for reinstatement, he must establish that he has paid restitution to his former clients, and complied with any recommendations of the Tennessee Lawyer Assistance Program.

DISBARMENTS (continued)

In an unrelated case, Mr. Bruner was suspended from the practice of law for ninety days for disciplinary misconduct on January 31, 2014. To date, Mr. Bruner has not been reinstated from his previous suspension.

Fred Auston Wortman, III (Shelby County)

On December 4, 2015, the Tennessee Supreme Court disbarred Fred Auston Wortman, III, from the practice of law. Pursuant to Tenn. Sup. Ct. R. 9, § 23 (2014), the disbarment was entered with the consent of Mr. Wortman as evidenced by his affidavit indicating Mr. Wortman cannot successfully defend himself against the charges alleged in three complaints of misconduct pending before the Board of Professional Responsibility. Mr. Wortman conceded that he had violated Rule of Professional Conduct 8.4.

On June 23, 2015, the Supreme Court of Tennessee temporarily suspended Fred Auston Wortman, III, from the practice of law upon finding that Mr. Wortman posed a threat of substantial harm to the public. Mr. Wortman's temporary suspension was dissolved by the December 4, 2015, Order of Enforcement.

Samuel Joseph Harris (Cookeville)

On November 25, 2015, Samuel Joseph Harris, formerly of Cookeville, Tennessee, was disbarred by the Tennessee Supreme Court and ordered to pay restitution to three former clients. The disbarment is effective immediately and Mr. Harris must pay the Board of Professional Responsibility's costs and expenses and the court costs within ninety days.

The Board of Professional Responsibility filed a Petition for Discipline and a Supplemental Petition for Discipline based upon five complaints by former clients. The Board's Petitions alleged Mr. Harris accepted fees from his clients but failed to perform the professional services for which he was retained; failed to reasonably communicate with his clients regarding the status of their legal matters; failed to inform his clients his license had been suspended by the Supreme Court and abandoned his clients and his law practice.

A Hearing Panel for the Board of Professional Responsibility found Mr. Harris violated Tennessee Rules of Professional Conduct (RPC) 1.1 (competence); 1.3 (diligence); 1.4 (communication); 1.15 (safekeeping of property and funds); 1.16 (declining or terminating representation); 3.2 (expediting litigation); 5.5 (unauthorized practice of law); 8.1 (bar admissions and disciplinary matters) and 8.4(a), (c) and (d) (misconduct).

Jerry Alan Kennon (Davidson County)

On October 14, 2015, Jerry Alan Kennon was disbarred by the Tennessee Supreme Court. The disbarment took effect immediately. Further, Mr. Kennon must pay the Board of Professional Responsibility's costs and expenses and the court costs within ninety days.

DISBARMENTS (continued)

The Board of Professional Responsibility filed a Petition for Discipline based upon one complaint of misconduct. Mr. Kennon knowingly and repeatedly violated court rules by filing four successive defective requests for temporary restraining orders with no basis in law or fact for the purpose of delaying his eviction from his home. Mr. Kennon did not respond to the complaint, he did not answer the Petition for Discipline and he did not appear at the hearing. Mr. Kennon's prior disciplinary history, having been suspended twice in the two preceding years, was a significant aggravating factor.

A Hearing Panel found Mr. Kennon's actions violated the following Rules of Professional Conduct: 3.1, Meritorious Claims and Contentions; 3.3, Candor toward the Tribunal; 8.1(b), Bar Admission and Disciplinary Matters; and 8.4(a) and (d), Misconduct.

Mr. Kennon was previously suspended for one year on May 15, 2014, and for twelve months, thirty days active and the remainder on probation, on January 18, 2013. To date, Mr. Kennon has not been reinstated from the 2014 suspension.

Carrie Watson Gasaway (Montgomery County)

On October 5, 2015, the Tennessee Supreme Court disbarred Carrie Watson Gasaway from the practice of law and ordered restitution paid to six (6) former clients. On September 9, 2014, the Board of Professional Responsibility filed two separate Petitions for Discipline against Ms. Gasaway, and thereafter, Supplemental Petitions for Discipline were filed in both actions. Ms. Gasaway was suspended from the practice of law on May 15, 2015, after being convicted of extortion in violation of Tennessee Code Annotated, Section 39-14-112, and a separate Petition for Final Discipline was filed on May 22, 2015. In addition to the formal petitions, eight (8) disciplinary complaints containing allegations similar to those set forth in the Petitions for Discipline were under investigation by the Board. Pursuant to Tennessee Supreme Court Rule 9, Section 24 (2014), Ms. Gasaway entered a Conditional Guilty Plea admitting to the misconduct alleged in the formal petitions and the disciplinary complaints pending before the Board.

Ms. Gasaway engaged in extortion; theft of client money from trust; charged unreasonable fees; provided incompetent representation; filed meritless claims; failed to perform professional services; failed to provide diligent representation; failed to refund unearned fees; made false statements of fact and failed to disclose material facts to a tribunal; threatened criminal prosecution to obtain an advantage in a civil proceeding; failed to properly supervise her co-counsel and knowingly ratified his misconduct; failed to report the professional misconduct of co-counsel and partner and engaged in conduct involving dishonesty, deceit and misrepresentations.

Ms. Gasaway's conduct violated Rules of Professional Conduct 1.1 (competence); 1.3 (diligence); 1.4 (communication); 1.5 (fees); 1.15 (safekeeping property and funds); 3.1 (meritorious claims and contentions); 3.2 (expediting litigation); 3.3 (candor toward the tribunal); 4.4 (respect for the rights of third persons); 5.1 (responsibilities of partners, managers and supervisory lawyers); 5.3 (responsibilities regarding non-lawyer assistants); 1.16 (terminating representation); 8.1 (bar admission and disciplinary matters); 8.3 (reporting professional misconduct) and 8.4 (misconduct).

SUSPENSIONS

Robert Lee Vogel (Knox County)

On February 4, 2016, Robert Lee Vogel, of Knoxville, Tennessee, was suspended by Order of the Tennessee Supreme Court, effective February 14, 2016, for one (1) year.

Mr. Vogel was appointed to represent a woman charged with felony drug offenses in federal court. While representing her, Mr. Vogel engaged in sexual relations with her on at least three (3) occasions. In so doing, he exploited his fiduciary relationship with his client to further his own personal interests. In another case, after Mr. Vogel withdrew from representation of a client, he wrote a letter to his former client explaining his reasons for withdrawing and sent a copy to the judge presiding over her case, thereby revealing confidential information in violation of his duties to his former client and resulting in the judge recusing himself from the case.

A hearing panel recommended that Mr. Vogel be suspended for twelve (12) months, with thirty (30) days served on active suspension and the remainder on probation with conditions. Pursuant to Rule 9, Section 8.4, the Supreme Court found that the hearing panel's punishment was inadequate. It modified the judgment of the hearing panel to impose a one (1) year active suspension.

Mr. Vogel's actions violated Rules of Professional Conduct 1.7(a)(2), Conflict of Interest: Current Clients; 1.9(c), Duties to Former Clients; and, 8.4(a), Misconduct.

John Edward Herbison (Montgomery County)

On February 2, 2016, John Edward Herbison, of Clarksville, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court for two (2) years, with sixty (60) days to be served as an active suspension and indefinitely thereafter until restitution, in the amount of \$7,500, is paid to his former clients. The suspension order is effective upon entry. As a condition of probation, Mr. Herbison shall engage a practice monitor at his expense. Mr. Herbison must pay the Board's costs and expenses and court costs within ninety days of the entry of the Order of Enforcement.

Mr. Herbison accepted a non-refundable fee of \$7,500 and thereafter failed to prepare an application for clemency and reasonably communicate with his clients. Mr. Herbison misled his clients to believe the application for clemency was being prepared and would be delivered to the clients. Upon learning that the application had not been prepared, the clients terminated Mr. Herbison and requested a refund. Mr. Herbison failed to refund the unearned fee.

Mr. Herbison admitted his conduct violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.16 (declining or terminating representation) and 8.4(a) (misconduct).

SUSPENSIONS (continued)

William Caldwell Hancock (Davidson County)

On January 15, 2016, the Supreme Court of Tennessee suspended the law license of William Caldwell Hancock for one year and ordered Mr. Hancock to pay restitution in the total amount of \$22,126.00 as a condition of reinstatement. Mr. Hancock is also ordered to pay costs of the disciplinary proceeding to the Board of Professional Responsibility and to the Court. The suspension will be effective on January 25, 2016. Mr. Hancock will receive credit for fifty-four (54) days of the suspension which he has already served. He will be required to comply with the reinstatement procedure in Section 30.4 of Tennessee Supreme Court Rule 9 before he can return to the active practice of law.

The Board of Professional Responsibility filed a Petition for Discipline against Mr. Hancock containing allegations of ethical misconduct arising from Mr. Hancock's pursuit of a frivolous lawsuit. A hearing panel determined that Mr. Hancock made allegations in the suit that were not based upon a reasonable inquiry into the law or facts of the matter. The hearing panel further concluded that the purpose of the lawsuit filed by Mr. Hancock was to embarrass and burden a third person. The opposing party expended approximately \$20,000 to defend the suit, which included pursuit of sanctions against Mr. Hancock and his client. Mr. Hancock appealed the decision of the hearing panel to the Davidson County Chancery Court. The Chancery Court affirmed the hearing panel's decision. Mr. Hancock appealed the decision of the Chancery Court to the Tennessee Supreme Court; however, his appeal was dismissed due to his failure to timely pay the litigation tax.

Mr. Hancock has violated Rules of Professional Conduct 3.1, Meritorious Claims and Contentions; 4.4(a), Respect for the Rights of Third Persons; and 8.4(a) and (d), Misconduct.

Mr. Hancock must comply with Tennessee Supreme Court Rule 9, Sections 18 (2006) and 30.4 (2014), regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

Garry Christopher Forsythe (Sumner County)

On January 12, 2016, the Tennessee Supreme Court suspended Garry Christopher Forsythe from the practice of law until further orders of the Court pursuant to Tennessee Supreme Court Rule 9, Section 22.3. Mr. Forsythe was suspended based upon his guilty plea to a serious crime; i.e., wire fraud.

The Supreme Court ordered the Board to institute a formal proceeding to determine the extent of final discipline to be imposed as a result of Mr. Forsythe's guilty plea.

Joseph Scott Bean, Jr. (Franklin County)

On January 7, 2016, the Tennessee Supreme Court suspended Joseph Scott Bean, Jr., from the practice of law for four years, retroactive to July 3, 2014, pursuant to Tennessee Supreme Court Rule 9, Section 12.2. Mr. Bean was summarily suspended on July 3, 2014, pursuant to Tennessee Supreme Court Rule 9, Section 22.3, based upon his guilty plea to a serious crime; i.e., theft in an amount over \$10,000.00.

SUSPENSIONS (continued)

The Board of Professional Responsibility filed a final petition for discipline against Mr. Bean and he entered a guilty plea that acknowledged violation of Tennessee Rules of Professional Conduct 8.4(a) (b) (c) (d) (misconduct).

Connie Lynn Reguli (Williamson County)

On December 28, 2015, Connie Lynn Reguli, of Brentwood, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court for a period of eleven (11) months and twenty-nine days all of which may be served on probation. The conditions of probation include (1) Ms. Reguli must employ a probation monitor; (2) must make restitution to a former client in the amount of \$7,800; and (3) must submit to an evaluation by the Tennessee Lawyer Assistance Program (TLAP) and comply with any monitoring agreement TLAP recommends. Ms. Reguli was ordered to pay the costs of the disciplinary proceedings to the Board and to the Court.

On July 16, 2012, the Board of Professional Responsibility filed a petition for discipline against Ms. Reguli based on three complaints of misconduct. The petition alleged, among other things, that Ms. Reguli failed to return client communications, refund unearned fees, provide an accounting of fees to a former client and the Board, and that Ms. Reguli's website contained false statements.

A hearing panel for the Board found that Ms. Reguli committed ethical misconduct by violating Rules of Professional Conduct 1.4 (communication); 1.5 (fees); 1.16 (declining or terminating representation); 7.4 (communication of fields of practice and specialization); 8.1 (bar admission and disciplinary matters); and 8.4, (misconduct). The hearing panel imposed an eleven (11) month, twenty-nine (29) day suspension, to be served on probation subject to certain conditions. Ms. Reguli and the Board appealed the panel's judgment to the Williamson County Circuit Court, which modified the panel's sanction by reducing the length of suspension, altering and eliminating various conditions of probation, and ordering Ms. Reguli to pay restitution to a former client. Ms. Reguli and the Board appealed to the Supreme Court.

In its December 28, 2015 Memorandum Opinion, the Supreme Court unanimously affirmed the trial court's order of restitution but otherwise reinstated the hearing panel's decision. The Court's Judgment is effective January 7, 2016.

John Stephen Anderson (Hawkins County)

On December 22, 2015, John Stephen Anderson, an attorney licensed to practice law in Tennessee, was suspended from the practice of law in two disciplinary cases. In the first case, Mr. Anderson agreed to a suspension of one year and payment of restitution for two clients. In the second matter, Mr. Anderson agreed to suspension for five years, to be served consecutive to the suspension in the first matter, and payment of restitution to twelve (12) clients. The total amount of restitution is \$17,968.00 which must be paid as a condition to future reinstatement. Mr. Anderson must pay the Board of Professional Responsibility's costs and expenses and court costs within ninety days.

SUSPENSIONS (continued)

The first disciplinary proceeding (Docket No. 2013-2274-1-AW) consists of a Petition for Discipline filed November 25, 2013, and a Supplemental Petition for Discipline filed April 25, 2014. A hearing panel found that Mr. Anderson failed to act with reasonable diligence and promptness, failed to obtain written waivers from former clients regarding a conflict of interest, failed to reasonably communicate with his clients, made false statements and material misrepresentations to the Court and his clients, and engaged in misconduct involving dishonesty, deceit or misrepresentations. Mr. Anderson filed an appeal of the hearing panel's decision, but subsequently submitted a Conditional Guilty Plea admitting a violation of Rules of Professional Conduct (RPC) 1.3 (diligence); 1.4 (communication); 1.9 (duties to former clients); 3.3 (candor toward the tribunal); and 8.4 (misconduct).

The second disciplinary proceeding (Docket No. 2015-2433-1-AW) consists of a Petition for Discipline filed March 13, 2015, and a Supplemental Petition for Discipline filed June 2, 2015, alleging professional misconduct in fifteen (15) complaints. In general, Mr. Anderson failed to represent his clients in a diligent and/or competent manner, failed to perform legal work for which he was hired, engaged in the unauthorized practice of law while temporarily suspended, failed to safeguard client property, and made misrepresentations to his clients about the status of their cases.

Mr. Anderson submitted a Conditional Guilty Plea admitting violations of RPC 1.2 (scope of representation); 1.3 (diligence); 1.4 (communication); 1.5 (fees); 1.12 (former judge or arbitrator); 1.15 (safekeeping of property and funds); 1.16 (terminating representation); 3.1 (meritorious claims and contentions); 3.2 (expediting litigation); 3.3 (candor toward the tribunal); 3.4 (fairness to opposing party and counsel); 5.3 (responsibilities regarding non-lawyer assistants); 5.5 (unauthorized practice of law); 8.1 (bar admission and disciplinary matters) and 8.4 (misconduct).

Edward L. Swinger (Davidson County)

On December 22, 2015, Edward L. Swinger, an attorney licensed to practice law in Tennessee, was suspended from the practice of law for twenty-two (22) months, retroactive to the date of his temporary suspension on February 25, 2014. Mr. Swinger must make restitution totaling \$1,250 to two former clients as a condition to future reinstatement. Mr. Swinger must pay the Board of Professional Responsibility's costs and expenses and court costs within ninety days.

The Board of Professional Responsibility filed a Petition for Discipline and Supplemental Petition for Discipline against Mr. Swinger based on five (5) complaints of misconduct alleging that he failed to act with diligence, failed to reasonably communicate with his clients, failed to promptly refund unearned fees, and charged an unreasonable fee.

Mr. Swinger entered a Conditional Guilty Plea admitting that his actions violated Rules of Professional Conduct 1.4 (communication); 1.16(d)(6) (declining and terminating representation); and 8.4(a) (misconduct)..

SUSPENSIONS (continued)

Andrewnetta Melissa Boyd (Shelby County)

On December 21, 2015, Andrewnetta Melissa Boyd, of Memphis, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court for one (1) year, with thirty (30) days to be served as active suspension and the remainder on probation. As conditions of probation, Ms. Boyd must have a practice monitor and undergo an evaluation by Tennessee Lawyer's Assistance Program (TLAP) and enter into a monitoring agreement if deemed appropriate by TLAP. Ms. Boyd must also pay restitution to a client. The suspension begins on December 21, 2015. Ms. Boyd must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

Ms. Boyd failed to act with diligence in the handling of a petition to change custody, failed to deposit an unearned fee in a trust account and failed to refund the fee when terminated prior to performing the work.

Ms. Boyd's actions violated Rules of Professional Conduct 1.3 (diligence), 1.15(c) (safekeeping property and funds), 1.16(d) (declining or terminating representation), and 8.4(a) (misconduct).

William Douglas Hooper (Sumner County)

On December 9, 2015, William Douglas Hooper of Sumner County, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court for one (1) year retroactive to entry of the order of temporary suspension on July 3, 2014. Pursuant to the Order of Enforcement, Mr. Hooper shall pay restitution to his former client and the cost and expense of the disciplinary proceedings. Payment of restitution is a condition precedent to Mr. Hooper's reinstatement to the practice of law.

A Petition for Discipline containing one (1) complaint of misconduct was filed by the Board of Professional Responsibility on March 26, 2015. The Petition alleged that Mr. Hooper ceased communicating with his client, did not inform his client of motions and pleadings filed against him, and failed to appear in court on behalf of his client. In addition, Mr. Hooper did not respond to Disciplinary Counsel investigating this case.

The Hearing Panel found that Mr. Hooper violated Tennessee Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.15 (safekeeping property), 1.16 (declining or terminating representation), 8.1 (bar admission and disciplinary matters) and 8.4(a) and (d) (misconduct).

Paul Julius Walwyn (Davidson County)

On December 3, 2015, Paul Julius Walwyn, of Nashville, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court for six (6) months, with thirty (30) days to be served as active suspension and the remainder on probation. As conditions of probation, Mr. Walwyn must have a practice monitor and obtain six (6) additional hours of continuing legal education. The Order is effective December 13, 2015. Mr. Walwyn must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

SUSPENSIONS (continued)

A hearing panel determined that in his handling of three separate criminal appeals, Mr. Walwyn failed to timely file transcripts, briefs and other pleadings despite multiple orders by the Court of Criminal Appeals requiring that he do so. As a result, Mr. Walwyn was held in contempt on two occasions by the Court of Criminal Appeals. He also failed to adequately communicate with his clients. Mr. Walwyn appealed the hearing panel's findings to the Davidson County Circuit Court and the Tennessee Supreme Court, both of which affirmed the decision of the hearing panel.

Mr. Walwyn's actions violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 3.2 (expediting litigation), and 8.4 (a) and (d) (misconduct).

Jamie Ellen Machamer (Davidson County)

On November 30, 2015, Jamie Ellen Machamer of Nashville, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court for one (1) year, with thirty (30) days to be served as active suspension and the remainder on probation. As conditions of probation, Ms. Machamer must have a practice monitor, undergo an evaluation by Tennessee Lawyer's Assistance Program (TLAP) and enter into a monitoring agreement if deemed appropriate by TLAP, and continue treatment with her current provider. The order was effective upon entry. Ms. Machamer must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

Ms. Machamer failed to adequately communicate with a client she represented in divorce and estate matters. She was appointed to represent three (3) clients in post-conviction matters. She failed to adequately communicate with those clients and failed to timely file pleadings on their behalf. She also failed to timely respond to requests for information from the Board.

Ms. Machamer's actions violated RPC 1.3 (diligence), 1.4 (communication), 3.2 (expediting litigation), 8.1(b) (bar admission and disciplinary matters) and 8.4(a) (misconduct).

Walter Alan Rose (Rutherford County)

On October 30, 2015, the Tennessee Supreme Court suspended Walter Alan Rose from the practice of law until further orders of the Court pursuant to Tennessee Supreme Court Rule 9, Section 22.3, Serious Crime. Mr. Rose was suspended based upon his plea of guilty to violating Title 18, United States Code, Section 922(g)(3), Addict in Possession of a Firearm.

The Supreme Court ordered the Board of Professional Responsibility to institute a formal proceeding to determine the extent of final discipline to be imposed as a result of Mr. Rose's guilty plea.

TEMPORARY SUSPENSIONS

Keith Lamonte Dobbs (Shelby County)

On February 29, 2016, the Supreme Court of Tennessee temporarily suspended Keith Lamonte Dobbs from the practice of law upon finding that Mr. Dobbs misappropriated funds and represents a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's misappropriation of funds.

Mr. Dobbs is immediately precluded from accepting any new cases, and he must cease representing existing clients after March 30, 2016. After March 30, 2016, Mr. Dobbs shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Dobbs must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending his law license. Mr. Dobbs is required to deliver to all clients any papers or property to which they are entitled.

John Martin Drake (Davidson County)

On February 16, 2016, the Supreme Court of Tennessee temporarily suspended John Martin Drake from the practice of law upon finding Mr. Drake failed to respond to the Board regarding a complaint of misconduct. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's failure to respond to the Board regarding a complaint of misconduct.

Mr. Drake is immediately precluded from accepting any new case and must cease representing existing clients by March 18, 2016. As of March 18, 2016, Mr. Drake shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Drake must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending his law license. Mr. Drake is required to deliver to all clients any papers or property to which they are entitled.

Michael C. Skouteris (Shelby County)

On February 11, 2016, the Supreme Court of Tennessee temporarily suspended Michael C. Skouteris from the practice of law upon finding Mr. Skouteris misappropriated funds and poses a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's misappropriation of funds.

Mr. Skouteris is immediately precluded from accepting any new cases, and he must cease representing existing clients by March 13, 2016. After March 13, 2016, Mr. Skouteris shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

TEMPORARY SUSPENSIONS (continued)

Mr. Skouteris shall notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending his law license. Mr. Skouteris shall deliver to all clients any papers or property to which they are entitled.

Quenton I. White (Davidson County)

On February 9, 2016, the Supreme Court of Tennessee temporarily suspended Quenton I. White from the practice of law upon finding that Mr. White has misappropriated funds and poses a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney misappropriating funds and posing a substantial threat of harm to the public.

Mr. White is immediately precluded from accepting any new cases, and he must cease representing existing clients by March 11, 2016. After March 11, 2016, Mr. White shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. White must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending his law license. Mr. White is required to deliver to all clients any papers or property to which they are entitled.

Wesley Lynn Hatmaker (Campbell County)

On January 29, 2016, the Supreme Court of Tennessee temporarily suspended Wesley Lynn Hatmaker from the practice of law upon finding that Mr. Hatmaker has misappropriated funds and poses a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney misappropriating funds and posing a substantial threat of harm to the public.

Mr. Hatmaker is immediately precluded from accepting any new cases, and he must cease representing existing clients by February 28, 2016. After February 28, 2016, Mr. Hatmaker shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Hatmaker must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending his law license. Mr. Hatmaker is required to deliver to all clients any papers or property to which they are entitled.

John Philip Parsons (Putnam County)

On January 21, 2016, the Supreme Court of Tennessee temporarily suspended John Philip Parsons from the practice of law upon finding Mr. Parsons misappropriated funds and posed a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension

TEMPORARY SUSPENSIONS (continued)

of an attorney's license to practice law in cases of an attorney misappropriating funds and posing a substantial threat of harm to the public.

Mr. Parsons is immediately precluded from accepting any new cases and must cease representing existing clients by February 20, 2016. After February 20, 2016, Mr. Parsons shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Parsons must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending his law license. Mr. Parsons is required to deliver to all clients any papers or property to which they are entitled.

Conrad Mark Troutman (Campbell County)

On December 18, 2015, the Supreme Court of Tennessee temporarily suspended Conrad Mark Troutman from the practice of law upon finding that Mr. Troutman misappropriated funds and poses a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's misappropriation of funds.

Mr. Troutman is immediately precluded from accepting any new cases, and he must cease representing existing clients by January 17, 2016. After January 17, 2016, Mr. Troutman shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Troutman must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending his law license. Mr. Troutman is required to deliver to all clients any papers or property to which they are entitled.

Don W. Cooper (Sullivan County)

On December 4, 2015, the Supreme Court of Tennessee temporarily suspended Don W. Cooper from the practice of law upon finding Mr. Cooper has misappropriated funds and poses a risk of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases wherein an attorney has misappropriated funds to the attorney's own use.

Mr. Cooper is immediately precluded from accepting new cases and must cease representing existing clients by January 3, 2016. After January 3, 2016, Mr. Cooper shall not use any indicia of lawyer, legal assistant or law clerk or maintain a presence where the practice of law is conducted.

Mr. Cooper must notify all clients he represents in pending matters, as well as co-counsel and opposing counsel, of the Supreme Court's Order suspending his law license. Mr. Cooper is required to deliver to all clients any papers or property to which they are entitled.

TEMPORARY SUSPENSIONS (continued)

Johnny Q. Rasberry, Jr. (Shelby County)

On December 2, 2015, the Supreme Court of Tennessee temporarily suspended Johnny Q. Rasberry, Jr. from the practice of law upon finding that Mr. Rasberry failed to respond to the Board regarding a complaint of misconduct. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's failure to respond to the Board regarding a complaint of misconduct.

Mr. Rasberry is immediately precluded from accepting any new cases, and he must cease representing existing clients by January 1, 2016. After January 1, 2016, Mr. Rasberry shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Rasberry must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending his law license. Mr. Rasberry is required to deliver to all clients any papers or property to which they are entitled.

Anton Lorenzo Jackson (Davidson County)

On November 18, 2015, the Supreme Court of Tennessee temporarily suspended Anton Lorenzo Jackson from the practice of law upon finding that Mr. Jackson failed to respond to the Board regarding a complaint of misconduct. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's failure to respond to the Board regarding a complaint of misconduct.

Mr. Jackson is immediately precluded from accepting any new cases, and he must cease representing existing clients by December 18, 2015. After December 18, 2015, Mr. Jackson shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Jackson must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending his law license. Mr. Jackson is required to deliver to all clients any papers or property to which they are entitled.

Michael Leon Harris (Shelby County)

On November 6, 2015, the Supreme Court of Tennessee temporarily suspended Michael Leon Harris from the practice of law upon finding that Mr. Harris failed to respond to the Board regarding complaints of misconduct. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's failure to respond to the Board regarding a complaint of misconduct.

TEMPORARY SUSPENSIONS (continued)

Mr. Harris is immediately precluded from accepting any new cases, and he must cease representing existing clients by December 6, 2015. After December 6, 2015, Mr. Harris shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Harris must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending his law license. Mr. Harris is required to deliver to all clients any papers or property to which they are entitled.

PUBLIC CENSURES

Travis Nathaniel Meeks (Montgomery County)

On February 8, 2016, Travis Nathaniel Meeks, of Clarksville, Tennessee, was publicly censured by Order of the Tennessee Supreme Court. Mr. Meeks must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

Mr. Meeks falsely stated in a letter to an adversary attorney that he anticipated calling an expert witness, a Certified Public Accountant (CPA), who would testify that his adversary's expert witness, also a CPA, was engaged in criminal conduct. As a result, the trial was postponed and the adversary's expert witness retained an attorney.

Mr. Meeks' actions violated Tennessee Rules of Professional Conduct 4.1(a), Truthfulness in Statements to Others; 4.4(a)(1), Respect for the Rights of Third Person; and 8.4(a), (c) and (d), Misconduct.

R. W. Hardison (Maury County)

On January 28, 2016, R. W. Hardison, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

In September 2014, Mr. Hardison's communication with his clients and diligence in handling his clients' case significantly declined. After being discharged by the clients, Mr. Hardison failed to promptly surrender the clients' file. Additionally, during October 2014, Mr. Hardison continued working in his law office and performing legal activities despite the fact that his law license had been suspended for failing to comply with continuing legal education requirements.

By these acts, R. W. Hardison has violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.16 (terminating representation), and 5.5 (unauthorized practice of law), and is hereby Publicly Censured for this violation.

PUBLIC CENSURES (continued)

Barry Keith Maxwell (Monroe County)

On January 28, 2016, Barry Keith Maxwell, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

On August 19, 2015, Mr. Maxwell's law license was suspended for failing to comply with continuing legal education requirements. From August 20, 2015 through September 28, 2015, Mr. Maxwell practiced law while his license was suspended.

By this act, Barry Maxwell has violated Rule of Professional Conduct 5.5 (unauthorized practice of law) and is hereby Publicly Censured for this violation.

Arthur Wayne Henry (Loudon County)

On January 25, 2016, Arthur Wayne Henry, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

In 2012, Mr. Henry was hired to represent a client in a tort lawsuit for damages. After Mr. Henry filed a notice of appearance on July 20, 2012, he failed to take reasonable steps to move the case forward. Based on Mr. Henry's inaction, the defendants moved to dismiss for failure to prosecute in January of 2015. Mr. Henry did not file a response to the motion to dismiss and failed to appear when the motion was heard in March of 2015. Mr. Henry's client was able to have the motion held in abeyance to give him time to employ a new attorney.

By these acts, Arthur Wayne Henry has violated Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4 (communication), and 3.2 (expediting litigation) and is hereby Publicly Censured for this violation.

Jeffery Lamont Warfield (Guam)

On January 8, 2016, the Supreme Court of Tennessee entered an Order of Reciprocal Discipline publicly censuring Jeffery Lamont Warfield. Mr. Warfield, who is licensed to practice law in Tennessee but has been living and practicing law in Guam, was publicly reprimanded by Order from the Supreme Court of Guam entered September, 4, 2015, for diligence, competence and communication issues related to the representation of two (2) clients in criminal cases.

Casey Coleman Truelove (Williamson County)

On January 6, 2016, Casey Coleman Truelove, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

PUBLIC CENSURES (continued)

Ms. Truelove obtained the notary stamp of an associate attorney in her office and notarized a pleading and signed the associate's name to the notarization without the associate's authority. Ms. Truelove filed the pleading with the court and concluded the case before it was discovered what she had done.

By these acts, Casey Coleman Truelove has violated Rules of Professional Conduct 3.3 (candor toward the tribunal) and 8.4(c) (misconduct) and is hereby Publicly Censured for these violations.

Joshua Howard Polk (Wayne County)

On December 21, 2015, Joshua Howard Polk, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Polk represented clients in two separate matters in which a concurrent conflict of interest existed. In the first matter, Mr. Polk failed to obtain a conflict waiver after receiving the informed consent of his clients. In the other matter, Mr. Polk represented clients who were adverse to each other in the same litigation.

By these acts, Joshua Howard Polk has violated Rule of Professional Conduct 1.2 (scope of representation), 1.4 (communication), 1.7 (conflict of interest), and 8.4(a) and (d) (misconduct), and is hereby Publicly Censured for these violations.

Jason R. McLellan (Sullivan County)

On December 22, 2015, Jason R. McLellan, an attorney licensed to practice law in Tennessee, received a Public Censure from the Supreme Court of Tennessee and was required to attend at least six hours of Continuing Legal Education related to law practice management.

The Board of Professional Responsibility filed a Petition for Discipline against Mr. McLellan based on one (1) complaint of misconduct alleging Mr. McLellan failed to adequately communicate with a client about the status of litigation, the dismissal of the case and the filing of a motion to set aside the dismissal.

Jason R. McLellan entered a Conditional Guilty Plea admitting that his actions violated Rules of Professional Conduct 1.4 (communication) and 8.4(a) (misconduct).

John Mark Hancock (Knox County)

On December 18, 2015, John Mark Hancock, of Nashville, Tennessee, was publicly censured by Order of the Tennessee Supreme Court. Mr. Hancock must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

Mr. Hancock was previously suspended for misconduct by the Tennessee Supreme Court and remains suspended. While still suspended, Mr. Hancock committed the unauthorized practice of law by drafting a contract for an individual to whom he was providing investment advice.

PUBLIC CENSURES (continued)

Mr. Hancock's actions violated Rules of Professional Conduct 5.5 (unauthorized practice of law) and 8.4(a) (misconduct).

William Clark Barnes, Jr. (Shelby County)

On October 28, 2015, William Clark Barnes, Jr., an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

During the representation of a client in a civil lawsuit, Mr. Barnes's law license was suspended for failing to comply with continuing legal education requirements. After the suspension of his license, Mr. Barnes did not provide notice of the suspension to his client as required by Tennessee Supreme Court Rule 9, Section 28. When the Court denied Mr. Barnes's request that the trial be continued, Mr. Barnes made no further efforts to protect the client's interests. Additionally, Mr. Barnes did not promptly surrender the client's file to the client's subsequent attorney.

By these acts, William Clark Barnes, Jr. has violated Tennessee Supreme Court Rule 9, Section 28, and Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), and 1.16(d) (terminating representation), and is hereby Publicly Censured for these violations.

In relation to a prior disciplinary matter on March 31, 2015, Mr. Barnes was suspended for three years with six months to be served as active suspension and the remainder to be served on probation. Mr. Barnes has not sought reinstatement from the active suspension.

Ross Neal Mitchell (McNairy County)

On October 19, 2015, Ross Neal Mitchell, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Mitchell was hired to pursue a legal malpractice action. Mr. Mitchell prepared a complaint and had the client sign the document. Thereafter, he made multiple misrepresentations to his client, including that he filed the complaint, that there were court hearings scheduled on three occasions, that mediation was scheduled on a particular date, and that the lawsuit was successful. Mr. Mitchell has no prior discipline and has made full and free disclosure of his actions.

By these acts, Mr. Mitchell has violated Rule of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4 (communication), and 1.16 (terminating representation). Mr. Mitchell further violated Rule 8.4(c) (dishonesty, misrepresentation) multiple times and is hereby Publicly Censured for this violation.

PUBLIC CENSURES (continued)

Christopher Paul Westmoreland (Bedford County)

On October 15, 2015, Christopher Paul Westmoreland, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Westmoreland was appointed to represent a client on two criminal matters which resulted in convictions. In the first matter, Mr. Westmoreland timely filed an appeal but neglected to timely file the appellate brief. Mr. Westmoreland filed a motion to accept the late-filed brief which was granted, but the Court cautioned Mr. Westmoreland about complying with the Rules of Appellate Procedure and Orders of the Court. In the client's second matter, Mr. Westmoreland neglected to timely file the notice of appeal. Several months later, Mr. Westmoreland filed a motion to accept the late-filed notice of appeal which was granted. No activity took place on the appeal for at least four months until the clerk notified Mr. Westmoreland that the record had not been received. Thereafter, the record was filed, briefs were filed, and the appeal was submitted on briefs. Mr. Westmoreland also failed to timely respond to requests for information from his client.

By these acts, Mr. Westmoreland violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 3.2 (expediting litigation), 3.4(c) (fairness to opposing counsel), and 8.4(d) (prejudice to the administration of justice).

Laural Ann Axson Hemenway (Rutherford County)

On October 15, 2015, Laural Ann Axson Hemenway, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Ms. Hemenway was the Assistant District Attorney in a contentious criminal trial. After the Judge granted a mistrial on an evidentiary issue, Ms. Hemenway stated in open court that "I feel this is a hostile environment for a female"; "this entire court proceeding has been a violation of my Constitutional Rights as a woman to be treated fairly"; "my rights have not been protected. And it's a hostile working environment when you are forced into that situation, and you don't have recourse"; and "I have spoken with other people who have observed the Court today who have said . . . that there is a lot of discriminatory things that have been done and said in the courtroom."

By these acts, Ms. Hemenway violated Rules of Professional Conduct 3.5(e) (conduct intended to disrupt a tribunal), 8.2(a) (integrity of judicial officials), and 8.4 (d) (prejudice to the administration of justice).

John Martin Drake (Davidson County)

On October 14, 2015, John Martin Drake, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

PUBLIC CENSURES (continued)

In April of 2015, the Court of Criminal Appeals entered an order removing Mr. Drake as counsel after he abandoned his client's appeal from the denial of post-conviction relief. Mr. Drake failed to file a brief on his client's behalf and likewise failed to respond to the Court's inquiries regarding the status of the appeal.

By these acts, John Martin Drake has violated Rule of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4 (communication), 3.2 (expediting litigation), and 8.4 (misconduct) and is hereby Publicly Censured for this violation. Pursuant to Tennessee Supreme Court Rule 9, Section 12.8, the Public Censure was conditioned upon the fact that Mr. Drake will submit to a TLAP-requested evaluation and will follow all subsequent TLAP recommendations.

Clayton F. Mayo (Madison County)

On October 14, 2015, Clayton F. Mayo, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

In 2013, Mr. Mayo was hired to represent a client in a divorce. Mr. Mayo failed to communicate with his client, although his client made several attempts to contact him, and he took no action on his client's behalf. Mr. Mayo was suspended from practicing law on January 27, 2014, but he did not inform his client and he did not refund the fee she paid. Finally, Mr. Mayo failed to respond to the disciplinary complaint.

By these acts, Clayton F. Mayo has violated Rule of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.15 (safekeeping funds), 1.16 (representation), 3.2 (expediting litigation), 8.1 (bar admission and disciplinary matters), and 8.4 (misconduct) and is hereby Publicly Censured for this violation.

Susan Carol Parkes (Wilson County)

On October 14, 2015, Susan Carol Parkes, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

In 2008, Ms. Parkes was hired to represent two defendants in bankruptcy proceedings. However, Ms. Parkes neglected her clients' cases for long periods of time and failed to communicate with her clients. Furthermore, Ms. Parkes led her clients to believe action had been taken when it had not. Ms. Parkes did not take action to resolve the case until the present disciplinary complaint had been filed.

By these acts, Susan Carol Parkes has violated Rule of Professional Conduct 1.3 (diligence), 1.4 (communication), 3.2 (expedite litigation), and 8.4(c) (dishonest conduct) and is hereby Publicly Censured for this violation

PUBLIC CENSURES (continued)

Horace Maynard Brown (Knox County)

On October 14, 2015, Horace Maynard Brown, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Brown represented his client in a bankruptcy case. While the bankruptcy case was pending, Mr. Brown's client settled a personal injury case. Mr. Brown did not file a motion to approve the personal injury settlement or the payment of attorney's fees to the personal injury lawyer, and none of the money was paid to the bankruptcy trustee. Mr. Brown took possession of a portion of the settlement funds, but he failed to place the settlement proceeds in a trust account and he did not maintain records of the disbursements of the funds to his client's creditors. Additionally, Mr. Brown utilized only one bank account for both his funds and client funds. The bankruptcy trustee moved for sanctions and Mr. Brown was ordered to disgorge his fee.

By these acts, Horace Maynard Brown, has violated Rule of Professional Conduct 1.1 (competence), 1.15 (safekeeping funds), and 3.4(c) (knowingly disobey an obligation under the rules of a tribunal) and is hereby Publicly Censured for these violations.

James Dimmett Purple, Sr. (Hamilton County)

On October 13, 2015, James Dimmett Purple, Sr., an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Purple failed to adequately communicate with a client about the status of litigation and failed to adequately prepare for trial. Mr. Purple also took actions without the authority of his client and failed to object to key matters in the case which resulted in prejudice against his client.

By these acts, James Dimmett Purple, Sr., has violated Rule of Professional Conduct 1.1 (competence), 1.2 (scope of representation), 1.3 (diligence), 1.4 (communication), and 8.4(a) and (d) (misconduct) and is hereby Publicly Censured for these violations.

David Andrew Lufkin, Sr. (Knox County)

On October 1, 2015, David Andrew Lufkin, Sr., of Knoxville, Tennessee received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

On November 8, 2014, a Petition for Discipline was filed against Mr. Lufkin alleging that he misrepresented to the court that he had not received a motion filed by opposing counsel. In addition, one additional complaint was pending before the Board containing allegations similar to those set forth in the Petition for Discipline.

Mr. Lufkin submitted a conditional guilty plea acknowledging violations of Tennessee Rules of Professional Conduct 3.3(a)(1) (candor toward the tribunal) and 8.4(a) (c) and (d) (misconduct).

PUBLIC CENSURES (continued)

Jacob Edward Erwin (Shelby County)

On September 29, 2015, Jacob Edward Erwin, of Memphis, Tennessee received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

The Board of Professional Responsibility filed a Petition for Discipline, and a Supplemental Petition for Discipline, against Mr. Erwin pursuant to Rule 9, Rules of the Supreme Court. Mr. Erwin failed to correct an error in a post-conviction pleading that resulted in the case being dismissed without prejudice. He also failed to timely respond to Disciplinary Counsel during the course of an investigation.

Mr. Erwin submitted a Conditional Guilty Plea acknowledging violations of Tennessee Supreme Court Rule 8, Rules of Professional Conduct 1.3 (diligence); 8.1(b) (disciplinary matters); and 8.4(a) (misconduct).

DISABILITY INACTIVE STATUS

Richard H. Dunavant (Giles County)

By Order of the Tennessee Supreme Court entered January 21, 2016, the law license of Richard H. Dunavant was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Dunavant cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

Jere Robert Lee (Davidson County)

By Order of the Tennessee Supreme Court entered January 14, 2016, the law license of Jere Robert Lee was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Lee cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

Charles Powell Jackson, III (Davidson County)

By Order of the Tennessee Supreme Court entered January 4, 2016, the law license of Charles Powell Jackson, III, was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

DISABILITY INACTIVE STATUS (continued)

Mr. Jackson cannot practice law while on disability inactive status. He was temporarily suspended by the Tennessee Supreme Court on July 3, 2014, and a petition for discipline was filed against him on September 23, 2014. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law, and upon resolution of the temporary suspension and petition for discipline.

Yarboro Ann Sallee (Knox County)

By Order of the Tennessee Supreme Court entered November 18, 2015, the law license of Yarboro Ann Sallee was transferred to disability inactive status for an indefinite period of time pursuant to Section 27.4 of Tennessee Supreme Court Rule 9. The Court transferred Ms. Sallee to disability inactive status after Ms. Sallee gave notice to the Board of Professional Responsibility that she suffers from a disability which prevents her from defending herself against a disciplinary complaint. Pursuant to Tennessee Supreme Court Rule 9, Section 27.4(a), the Supreme Court referred this matter to a hearing panel for the Board to determine Ms. Sallee's capacity to continue the practice of law and to respond to or defend against the pending disciplinary complaint.

On July 23, 2015, Ms. Sallee's license to practice law was suspended by the Supreme Court of Tennessee for one year after a hearing panel determined Ms. Sallee had violated Rules of Professional Conduct. The Order transferring Ms. Sallee to disability inactive status does not affect her disciplinary suspension.

Pursuant to Tennessee Supreme Court Rule 9, Section 28.1, the Order transferring Ms. Sallee to disability inactive status is effective upon entry, and Ms. Sallee is prohibited from engaging in the practice law after November 18, 2015. Ms. Sallee may petition for removal of disability inactive status pursuant to Tenn. Supreme Court Rule 9, Section 27.7.

D'Artagnan Honre Perry (Knox County)

By Order of the Tennessee Supreme Court entered November 6, 2015, the law license of D'Artagnan Honre Perry, was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Perry cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

Clyde Douglas Cluck (Williamson County)

By Order of the Tennessee Supreme Court entered November 6, 2015, the law license of Clyde Douglas Cluck, was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

DISABILITY INACTIVE STATUS (continued)

Mr. Cluck cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

Thomas F. Mabry (Knox County)

By Order of the Tennessee Supreme Court entered October 27, 2015, the law license of Thomas F. Mabry was transferred to disability inactive status pursuant to Section 27.4 of Tennessee Supreme Court Rule 9. Mr. Mabry cannot practice law while on disability inactive status.

Mr. Mabry was also suspended by order of the Tennessee Supreme Court on December 30, 2014. Mr. Mabry has not requested nor been granted reinstatement from that suspension. To return to the practice of law, Mr. Mabry must first show by clear and convincing evidence that his disability has been removed. Second, Mr. Mabry would have to be reinstated from his suspension by the Tennessee Supreme Court. In addition to reinstatement from disability inactive status, Mr. Mabry may not return to the practice of law until after reinstatement by the Tennessee Supreme Court from this suspension.

Jody Rodenborn Troutman (Campbell County)

By Order of the Tennessee Supreme Court entered October 23, 2015, the law license of Jody Rodenborn Troutman was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Ms. Troutman cannot practice law while on disability inactive status. She may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and she is fit to resume the practice of law.

REINSTATEMENTS

Richard J. McAfee (Hamilton County)

On February 22, 2016, the Supreme Court of Tennessee reinstated Richard J. McAfee to the practice of law. Mr. McAfee had been disbarred by the Supreme Court of Tennessee on August 23, 2006. On April 22, 2015, Mr. McAfee filed a Petition for Reinstatement to the practice of law and a hearing was held before a Hearing Panel on October 6, 2015.

The Hearing Panel found that Mr. McAfee complied with the terms and conditions of his disbarment, and further found that he had demonstrated the moral qualifications, competency and learning in the law required for the practice of law, and that his resumption of the practice of law will not be detrimental to the integrity or standing of the bar or administration of justice, or subversive to the public interest. Based upon the Hearing Panel's recommendation, the Supreme Court reinstated Mr. McAfee's license to practice law.

REINSTATEMENTS (continued)

James Marion Allen (Shelby County)

On February 12, 2016, the Supreme Court of Tennessee reinstated James Marion Allen to the practice of law effective February 2, 2016. Mr. Allen was suspended by the Supreme Court of Tennessee on August 6, 2015, for a period of six (6) months. Mr. Allen filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4(c) (2014). The Board determined the Petition was satisfactory and submitted an Order of Reinstatement to the Court. The Order of Reinstatement entered by the Supreme Court was effective upon filing.

Paul Julius Walwyn (Davidson County)

On February 4, 2016, the Supreme Court of Tennessee reinstated Paul Julius Walwyn to the active practice of law. On December 3, 2015, the Court suspended Mr. Walwyn for a period of six (6) months, with thirty (30) days to be served as an active suspension and five months on probation. With entry of this Order, Mr. Walwyn begins the probationary period.

On January 15, 2016, Mr. Walwyn filed a Petition for Reinstatement to the practice of law. Pursuant to Tennessee Supreme Court, Rule 9, Section 30.4(c), the Board verified that the conditions required for reinstatement were satisfied and filed a Notice of Submission with the Supreme Court indicating Mr. Walwyn was eligible for reinstatement to the practice of law. The Order of Reinstatement entered February 4, 2016, was effective upon filing.

Ira J. Katzman (Shelby County)

On January 29, 2016, the Tennessee Supreme Court issued an Order removing the disability inactive status of Ira J. Katzman and returning him to the active practice of law.

Mr. Katzman was placed on disability inactive status on February 2, 2015, by Order of the Tennessee Supreme Court. On January 8, 2016, he filed a petition to be reinstated to active status, which was granted on January 29, 2016.

Jamie Ellen Machamer (Davidson County)

On January 21, 2016, the Supreme Court of Tennessee reinstated Jamie Ellen Machamer to the practice of law, effective December 30, 2015. Ms. Machamer had been suspended by the Supreme Court of Tennessee on November 30, 2015, for a period of thirty (30) days. Ms. Machamer filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, § 30.4(c). The Board found that the Petition was satisfactory and submitted an Order of Reinstatement to the Court.

REINSTATEMENTS (continued)

Kristen E. Morrell (Sullivan County)

On December 16, 2015, the Supreme Court of Tennessee reinstated Kristen E. Morrell to the practice of law. Ms. Morrell was suspended from the practice of law for one (1) year by the Tennessee Supreme Court and ordered to pay restitution to four (4) former clients by the Supreme Court of Tennessee on April 15, 2011. A Hearing Panel determined that Ms. Morrell failed to appear in court on behalf of clients, and abandoned her practice shortly after accepting fees from new clients. On April 7, 2015, Ms. Morrell filed a Petition for Reinstatement to the practice of law and a hearing was held before a Hearing Panel on June 25, 2015.

The Hearing Panel found that Ms. Morrell complied with the terms and conditions of her suspension, and further found that she had demonstrated the moral qualifications, competency and learning in the law required for the practice of law, and that her resumption of the practice of law will not be detrimental to the integrity or standing of the bar or administration of justice, or subversive to the public interest. Based upon the Hearing Panel's recommendation, the Supreme Court reinstated Ms. Morrell's license to practice law.

Patricia Lynne Stolinsky (Wilson County)

On December 14, 2015, the Supreme Court of Tennessee reinstated the law license of Patricia Lynne Stolinsky. Ms. Stolinsky had been temporarily suspended by the Supreme Court of Tennessee on August 7, 2015, for posing a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law when it is demonstrated that the attorney poses a threat of substantial harm to the public. Ms. Stolinsky filed a Petition to Dissolve Temporary Suspension on September 18, 2015, asking the Court to reinstate her. A Hearing Panel appointed to hear the Petition recommended to the Supreme Court that the temporary suspension be dissolved. Ms. Stolinsky was ordered to pay the costs and expenses of the proceeding.

William Caldwell Hancock (Davidson County)

On October 16, 2015, the Supreme Court of Tennessee vacated the Order of Enforcement entered on August 13, 2015, wherein the law license of William Caldwell Hancock was suspended for one (1) year. Mr. Hancock's license to practice law shall be returned to active status as of the date of this Order.

The Tennessee Supreme Court took this action following Mr. Hancock's assertion that he did not receive a copy of a final judgment issued by the trial court in his appeal of an attorney disciplinary proceeding. The trial court granted Mr. Hancock relief by re-entering its final judgment affirming the disciplinary sanction on September 29, 2015, thereby initiating a new period to appeal.

SUSPENSION DISSOLVED

Johnny Q. Rasberry, Jr. (Shelby County)

Johnny Q. Rasberry, Jr. has been reinstated to the practice of law by order of the Tennessee Supreme Court effective December 15, 2015. Mr. Rasberry is also ordered to pay the Board's costs in this matter.

Mr. Rasberry was temporarily suspended from the practice of law by Order of the Supreme Court on December 2, 2015, for failing to respond to a complaint of misconduct. On December 8, 2015, Mr. Rasberry filed a Motion to Set Aside Temporary Order of Suspension. On December 14, 2015, a Hearing Panel entered a recommendation that the temporary suspension be dissolved.

REMOVED FROM DISABILITY INACTIVE STATUS

Ashley Denise Preston (Davidson County)

On February 23, 2016, the Tennessee Supreme Court issued an Order removing the disability inactive status of Ashley Denise Preston. On May 26, 2015, the Supreme Court entered an Order transferring Ms. Preston to disability inactive status.

Although the disability inactive status has been removed, the Court noted that Ms. Preston's license to practice law will not be returned to active status until the resolution of any disciplinary proceedings pending before the Board of Professional Responsibility and must also satisfy any outstanding continuing legal education obligations. Ms. Preston is required to pay the costs and expenses of her reinstatement proceedings to the Court and to the Board of Professional Responsibility.

Timothy Paul Webb (Campbell County)

On December 15, 2015, the Tennessee Supreme Court issued an Order removing the disability inactive status of Timothy Paul Webb. On October 16, 2008, the Supreme Court entered an Order transferring Mr. Webb to disability inactive status.

Although the disability inactive status has been removed, the Court noted that Mr. Webb's license to practice law will not be returned to active status until the resolution of any disciplinary proceedings pending before the Board of Professional Responsibility and he must also satisfy any outstanding continuing legal education obligations. Mr. Webb is required to pay the costs and expenses of his reinstatement proceedings to the Court and to the Board of Professional Responsibility.