

BOARD NOTES

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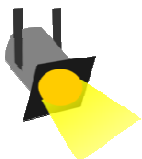
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Disciplinary Actions
October 2017 - March 2018

Greeting from Sandy Garrett

Chief Disciplinary Counsel, Board of Professional Responsibility

The Board of Professional Responsibility's mission statement provides the Board will "...assist the Court in protecting the public from harm from unethical lawyers by administering the disciplinary process; to assist the public by providing information about the judicial system and the disciplinary system for lawyers; and, to assist lawyers by interpreting and applying the Court's disciplinary rules." To accomplish this goal, staff at the Board disseminate *Board Notes* to provide guidance regarding rule changes, recently released ethics opinions, and disciplinary decisions. I hope the information is helpful to you.



Update from the Board of Law Examiners on Foreign-Educated Bar Applicant Requirements

Admission rules such as Tennessee Supreme Court Rule 7 are designed to protect the public. Minimum requirements for eligibility work in conjunction with bar examination to ensure that lawyers in this state possess minimum standards of knowledge and are competent to provide legal services. Within Rule 7 are special provisions related to eligibility of graduates of foreign law schools because the educational background of such applicants differs from the path taken by those educated in the United States.

Tennessee Supreme Court Rule 7, section 7.01(a)¹, provides that graduates of foreign law schools may qualify for admission to the practice of law in Tennessee by examination provided that applicants satisfy the Board that the education received in the foreign country was “substantially equivalent” to the undergraduate education and legal education required by Rule 7. To be eligible to take the bar examination, an applicant must have received a Bachelor’s Degree or higher² and completed a course of instruction in and graduated with a Juris Doctorate (“J.D.”) degree³ from an ABA-accredited or Tennessee-approved law school prior to taking the examination.

The Tennessee Supreme Court Rule on Licensing of Attorneys has included provisions regarding eligibility of foreign-educated lawyers to seek admission in Tennessee for decades⁴. Throughout this time, the education requirements for foreign-educated applicants have required education that is substantially equivalent to the education required of applicants educated in the U.S., namely a Bachelor’s degree from an accredited college or university and a Juris Doctorate Degree from an ABA-accredited or Tennessee-approved law school. Around 2005, Tennessee became known as a “gateway” state because the licensing rule did not require U.S. legal studies, residency in Tennessee, a basis of learning in English common law, or licensing in the home country or another jurisdiction. Pass rates for foreign-educated applicants from 2007 – 2010 never reached 30%. With 67 foreign-educated applicants sitting in 2008, 114 in 2009 and 123 in 2010, the impact of foreign-educated applicants on exam results was similar to the impact of results from a Tennessee law school.

The Supreme Court amended Rule 7, Section 7.01, in August 2010 and again in July 2011⁵, adding a requirement for foreign-educated applicants to obtain additional education in residence at an ABA-accredited law school, in addition to meeting the education requirements of Sections 2.01 and 2.02, to be eligible to take the Tennessee bar examination. Tennessee remained the only viable option for many foreign-educated applicants to apply for admission by bar examination because applicants did not have to be educated in English common law nor did they have to be licensed in a foreign jurisdiction. In 2015, the pass rate for foreign-educated applicants was 60%; in 2017, it was 40%. Fewer were qualifying to take the exam, but those who did qualify were more likely to pass the exam.



Update from the Board of Law Examiners on Foreign-Educated Bar Applicant Requirements

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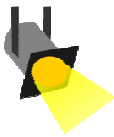
Even with the adoption of required U.S. legal studies, the Supreme Court continued to require education that was substantially equivalent to that required of a U.S. educated application. The Board continued to evaluate the education of applicants who graduated from foreign law programs that range from one to five years and from countries that do not require a four-year bachelor's program prior to legal education. Until 2015, the evaluation of the foreign education for equivalency was completed by Board members. As new Board members were appointed to the Board, questions were raised regarding the methodology behind the evaluation. Some Board members felt that the process was subjective and could be inconsistent; some also felt that they lacked training in "educational equivalency" that would permit Board members—who are Tennessee lawyers and not education experts --- to evaluate education from all parts of the world.

Educational requirements and university systems vary widely from country to country. Required courses are different and some courses do not qualify as a U.S. university-level or law-school-equivalent course. Further, a credit hour in one country may be vastly different from a credit hour in the United States. In order to determine equivalency to a U.S. undergraduate degree or higher and a U.S. J.D. degree, the Board had to be able to determine how the coursework and the number of credit hours earned in specific country translated to a U.S Bachelor's Degree or higher and a J.D. degree.

After study, the Board opted to move to a more objective evaluation of non-U.S. education by requiring applicants to submit a comprehensive course-by-course analysis from an outside evaluation service selected by the Board⁶. The evaluation services were members of the National Association of Credential Evaluation Services, well-versed in education systems world-wide. The Board reviewed the evaluation reports in terms of the educational requirements required by the Supreme Court in Rule 7, Sections 2.01, 2.02 and 7.01 in order to determine, based on the reported degree equivalency and hours, if an applicant had substantially equivalent education.

In 2016 and 2017, the Supreme Court issued opinions in two matters regarding the "substantially equivalent" education requirement. The first, *Young Wook Kim v. Tennessee Board of Law Examiners*, No. M2016-00621-SC-BAR-BLE (Sup. Ct. July 8, 2016), concerned an applicant who had been unsuccessful on a previous examination. When he applied for re-examination, Mr. Kim was required to submit an educational equivalency evaluation report. The Board determined after reviewing the report that Mr. Kim did not meet the educational requirements of Rule 7. He was not allowed to sit for the examination. Mr. Kim filed a Petition for Writ of Certiorari with the Supreme Court, which the Court granted. The Supreme Court found that Mr. Kim had education equivalent to a Bachelor of Laws and that Mr. Kim did not have education equivalent to two degrees, namely a Bachelor's Degree or higher and a J.D. degree. The Court upheld the decision of the Board.

The second matter before the Court was *Maximiliano Gabriel Gluzman v. Tennessee Board of Law Examiner*, No. M2016-02462-SC-BAR-BLE (Sup. Ct., August 4, 2017). Mr. Gluzman had education that was found to be equivalent to a Bachelor's Degree and a Master's Degree in Law. The Board found that his education was not substantially equivalent to a J.D. degree. The Supreme Court granted Mr. Gluzman's Petition for Writ of Certiorari. Ultimately, the Court



Update from the Board of Law Examiners on Foreign-Educated Bar Applicant Requirements

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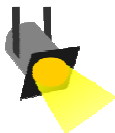
entered an order exercising its discretion to allow Mr. Gluzman to sit for the Tennessee bar examination without applying the requirements of Section 7.01 or making a finding regarding the Board's decision.

While the Gluzman matter was pending, the University of Tennessee and Vanderbilt University (herein, the "Law Schools") petitioned the Board to reconsider its interpretation of section 7.01. Amended and restated Rule 7 included a change to section 2.01 to allow for combined six year degree programs⁷ that include an undergraduate and J.D. degree as part of the same program. This was accomplished by changing the language of section 2.01 to require an applicant to have received the undergraduate degree prior to taking the bar examination⁸ so that the undergraduate degree or higher could be awarded with the J.D. With the change in Rule 7, the Board reached an agreement with the Law Schools, amending Board Policy P-7.01 to make clear that the Board considers total foreign education in order to determine whether foreign education is equivalent to a Bachelor's Degree or higher and a J.D. Degree. Separate foreign degrees are not required but the total education must be equivalent to the two degrees required in Rule 7, sections 2.01 and 2.02. The Supreme Court approved the change to Board Policy P-7.01.

Following the change to the Board Policy P-7.01, the Law Schools petitioned the Court to amend Rule 7, section 7.01, arguing that the term, "substantially equivalent," created uncertainty for Applicants. The Law Schools noted that other jurisdictions have taken various approaches to determining eligibility of foreign-educated applicants. Some jurisdictions focus on the type of legal education received, while others look to whether the applicant is admitted to the practice of law in the foreign country in which they were educated, and still others require U.S. legal education such as an LL.M. Degree.

Each U.S. jurisdiction contributes information for the annual publication of the Comprehensive Guide to Bar Admissions, published by the National Conference of Bar Examiners ("NCBE") and the American Bar Association Section of Legal Education and Admissions to the Bar⁹. According to the information reported by all U.S. jurisdictions for the 2017 Comprehensive Guide, in Chart 4: Eligibility to Take the Bar Examination: Foreign Law School Graduates, foreign law school graduates are eligible for admission in 35 jurisdictions¹⁰; 19 require determination of educational equivalency; 19 require additional U.S. legal education, 15 require applicants to be licensed and practicing in the foreign jurisdiction, and 10 require admission in another U.S. jurisdiction. Only 5 jurisdictions allow a foreign law school graduate to take the bar exam after obtaining a U.S. LL.M. degree without meeting some other requirement(s). All jurisdictions that allow foreign-educated applicants admission require that foreign education to be a first degree in law, equivalent to a J.D.; however, all but Tennessee consider only legal education. Seven jurisdictions allow only applicants who studies were based in English Common Law. Other jurisdictions allow a hybrid of English Common Law with no additional educational requirements, and non-English Common Law educations with additional education and/or practice requirements.

In their petition, the Law Schools illustrated possible paths to admission for foreign-educated law graduates that did not rely on a "substantially equivalent" education: a foreign law degree plus an LL.M. or similar additional U.S. education to cure any deficiencies in the applicant's original



Update from the Board of Law Examiners on Foreign-Educated Bar Applicant Requirements

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legal education, a practice-focused approach wherein the applicant is licensed and engaged in the active practice of law in the country in which the applicant was educated, and a hybrid approach that looks at education and practice in determining eligibility. Another approach addressed was for the Court to clarify the meaning of “substantially equivalent” as being a legal education that is sufficient to meet the requirements for admission in the country in which the applicant was educated; if the foreign legal education meets this standard, then an applicant would meet the requirements of Rule 7, sections 2.01 and 2.02.

The Board of Law Examiners noted that the Court, in adopting Section 7.01, clearly favored a policy allowing foreign-educated applicants to be eligible to sit for the bar examination; however, U.S. education standards had to be met. The Board has no objection to permitting graduates of foreign law schools to sit for the examination. However, the Board requested guidance from the Court regarding the Court’s intent and purpose in adopting educational requirements in the context of foreign-educated applicants in order to properly carry out that intent and purpose. The Board recommended that any change to Rule 7, Section 7.01 be a fair, unbiased rule that could be easily administered and produce qualified attorneys for Tennessee.

The Board was concerned with fairness and equity in adopting any changes and considered whether it was appropriate to allow a different standard for foreign graduates that is more lenient than the education requirements for graduates of ABA-accredited or Tennessee-approved schools. As noted above, foreign educational systems vary widely and may not include a general undergraduate-type of education. Additionally, the Board expressed concern that modifying the current rule to include using English common law education as a path to eligibility may reflect a cultural bias and may not provide an objective or workable standard for admission.

Ultimately, the Court amended Rule 7, Section 7.01¹¹ to allow two paths to admission for foreign-educated applicants. The first path, in Section 7.01(a) allows a graduate of a law school in a foreign jurisdiction to be eligible to sit for the examination if the applicant satisfies the Board that the applicant’s foreign education is substantially equivalent to the requirements of Rule Sections 2.01 and 2.02. Applicants must provide a comprehensive evaluation from a Credential Evaluation Service that is a member of the National Association of Credential Evaluation Services. If the Board is satisfied that the applicant’s education is substantially equivalent, no further U.S. education is required.

For graduates of a law school in a foreign jurisdiction who do not meet the requirement of substantially equivalent education, there is another path. In addition to the foreign law degree, the applicant must be licensed in a foreign jurisdiction and have been engaged in the active practice of law for five of the last eight years, and have been awarded an LL.M. Degree from an ABA-accredited or Tennessee-approved law school. There are requirements for the LL.M., including that the applicant attend the courses in person in the United States or its territories.

The revisions to Rule 7 Section 7.01 continue to allow Tennessee to be unique in its approach to “substantially equivalent” education, while also permitting a second path of admission in Tennessee for foreign-educated applicants that does not rely on education alone, is fair and unbiased, and can be easily administered.



Update from the Board of Law Examiners on Foreign-Educated Bar Applicant Requirements

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¹ Tennessee Supreme Court Rule 7 was amended and restated, effective January 1, 2016; Section 7.01 was amended further on January 26, 2018. This article explains the petition that resulted in the amendment to Rule 7, section 7.01 earlier this year.

² Rule 7, section 2.01. Prior to January 1, 2016, Rule 7, section 2.01 required that an applicant earn a Bachelor's Degree prior to beginning law school; it has been amended to require a Bachelor's Degree of higher.

³ Rule 7, section 2.02.

⁴ From review of the Minutes of the BLE, it is clear that the Board has struggled since at least the 1970s with determining substantial equivalency of education. The section was amended in March 1984, August 1993, May 2009, July 2011, January 2016 and January 2018.

⁵ In August 2010, Section 7.01 was amended to require foreign-educated applicants to earn 27 semester hours of legal education in residence at an ABA-accredited or Tennessee-approved law school; in July 2011, the number of hours was reduced to 24 to match most LL.M. programs.

⁶ The Board initially chose two agencies (World Education Service ("WES") and Education Credential Services ("ECE")) and then, after two exam cycles, selected two other agencies that provided more comprehensive and nuanced reports (International Evaluation Service of the Center for Applied Research, Evaluation and Education, Inc. ("IESCAREE") and International Education Research Foundation ("IERF")). Anyone who was approved to sit for the exam with any of the comprehensive reports was allowed to sit for subsequent exams without re-evaluation.

⁷ Combined undergraduate/J.D. programs allow students to take coursework that counts towards both degrees through a combined program. In addition to undergraduate studies, combined master's degree and J.D. programs are also popular.

⁸ Prior to the 2016 amendments, applicants had to receive a Bachelor's Degree prior to beginning law school.

⁹ The 2018 Comprehensive Guide to Bar Admissions is available on the NCBE website at www.ncbex.org/publications/bar-admissions-guide. In addition to the information on the charts, the comments following provide additional information regarding the admission requirements.

¹⁰ Jurisdictions include the 50 states plus the District of Columbia.

¹¹ By Order dated January 26, 2018.

Supreme Court Appoints New Board Members

The Tennessee Supreme Court has appointed Juanita Patton, Floyd Flippin, and Jody Pickens as the newest members of the Board of Professional Responsibility of the Supreme Court of Tennessee. The Board considers and votes on disciplinary actions against attorneys and issues ethics opinions interpreting the Rules of Professional Conduct. Board members do not receive compensation for their service. The Board consists of nine lawyers from each disciplinary district and three public (non-lawyer) members from each of the grand divisions of the state.

Juanita Patton has been in the banking industry for 35 years, working with such banks as Harpeth National Bank, Citizens Bank, Third National Bank, SunTrust, and currently First Tennessee Bank. Ms. Patton has also served on various boards and committees such as Franklin Williamson County Boys & Girls Club, Waves Inc., Franklin Tomorrow, Mercy Children's Clinic, Franklin Charge, Williamson County Chamber of Commerce, City of Franklin Public Building Authority, Middle Tennessee Electric Corp, and Franklin Housing Authority. She is a past member of the Franklin Breakfast Rotary club; a graduate of Leadership Franklin, Franklin Citizens Police Academy, and Greater Nashville Regional Council Executive Committee.

A native of Milan, Tennessee, Floyd Flippin is a graduate of the University of Tennessee and University of Tennessee College of Law. His law practice involves civil litigation of all types, estates, real estate and mediation. Mr. Flippin is affiliated with the Tennessee Bar Association, Tennessee Bar Foundation, Gibson County Bar Association, and the Tennessee Association of Professional Mediators. He is also a Board of Trustees Member of the Tennessee Bar Foundation and has served multiple terms on the Humboldt Chamber of Commerce Board and is a former president. Additionally, he is a former Board of Trustees Member at Union University and current Foundation Board Member at Jackson State Community College.

Jody S. Pickens has been an Assistant District Attorney since 1996 and was a Special Assistant in the U.S. Attorney General's Office for the Western District of Tennessee from 2010 until 2012. He has also served on the Advisory Board for the University of Memphis at Lambuth since 2014 and was the president of the Jackson-Madison County Bar Association in 2010 and 2011. General Pickens received his law degree from the University of Memphis in 1996 after receiving a bachelor's degree from Lambuth in 1993.



Juanita Patton



Floyd Flippin



Jody S. Pickens



Recognition of Former Board Members Michael King, Joe Riley and Kenneth Blackburn

The Board of Professional Responsibility wishes to publicly recognize and thank former Board members Michael King, Joe Riley and Kenneth Blackburn for their hard work and involvement during their tenures as members of the Board. Mr. King served on the Board as a member from January 1, 2012 through December 31, 2014; as Vice-Chair from 2013 through 2014; and as Chair of the Board from 2015 through 2017. Judge Riley served as a Board member from 2012 through 2015; and as Vice-Chair of the Board from January 1, 2016 through December 31, 2017. Mr. Blackburn served as a lay member of the Board from January 1, 2015 through December 31, 2017.

BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE

FORMAL ETHICS OPINION 2017-F-163

The Board of Professional Responsibility has been requested to issue a Formal Ethics Opinion regarding the Prosecutors' Ethical Obligations to Disclose Information Favorable to the Defense.

OPINION

Tennessee Rule of Professional Conduct 3.8(d) is a separate ethical obligation of prosecutors and was not meant to be coextensive with a prosecutor's legal disclosure obligations. This ethical duty is separate from disclosure obligations imposed under the Constitution, statutes, procedural rules, court rules, or court orders. A prosecutor's ethical duty to disclose information favorable to the defense is broader than and extends beyond *Brady*. Once a prosecutor knows of evidence and information that tends to negate the guilt of the accused, or mitigates the offense, or otherwise falls within RPC 3.8(d)'s disclosure requirement, the prosecutor ordinarily must disclose it as soon as reasonably practicable.

INTRODUCTION

Tennessee Rules of Professional Conduct 3.8(d) imposes special ethical duties on prosecutors representing the government in criminal litigation, including certain duties of disclosure of favorable information to the defendant. This opinion gives guidance in addressing the scope of those duties.

ISSUES

- I.** Does a prosecutor's duty under RPC 3.8(d) to disclose to the defense "all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigate the offense" and in connection with sentencing, "all unprivileged mitigating information known to the prosecutor" extend beyond the "material" standard as construed by federal or state constitutional decisions?

- II.** What constitutes "timely disclosure" under RPC 3.8(d)?

DISCUSSION

I.

RPC 3.8 (d) states that “the prosecutor in a criminal case: shall make timely disclosure to the defense of all evidence or information known to the prosecutor that tends to negate the guilt of the accused or mitigates the offense, and in connection with sentencing, disclose to the defense and to the tribunal all unprivileged mitigating information known to the prosecutor, except when the prosecutor is relieved of this responsibility by a protective order of the tribunal”.¹

Federal constitutional case law requires prosecutors to disclose certain exculpatory information to the defense. Brady v. Maryland, 373 U.S. 83 (1963) requires disclosure of “material evidence” favorable to the accused. Other federal rules and statutes require a federal or state prosecutor to disclose certain prior statements of any witness the prosecutor intends to use at trial prior to when that witness testifies. See 18 U.S.C section 3500 (the “Jencks Act”).

Some states have held that the prosecutor’s responsibilities under *Brady* and its progeny only apply to “material” information. The argument for this position is that Rule 3.8 is simply an ethical codification of *Brady*.² None of the cases that support this position offer evidence to support that interpretation.³

A majority of states hold that the ethical duty of a prosecutor is broader and extends beyond *Brady*.⁴

In reaching this conclusion, the Supreme Court of North Dakota held that there is a distinction between compliance with an ethical rule and ensuring that an accused is not wrongly convicted. That court viewed the different purposes and objectives served by the two proceedings.⁵ “The primary concern in disciplinary proceedings is to ensure attorneys act in conformity with the ethical standards embodied in the Rules of Professional Conduct, regardless of the surrounding circumstances.”⁶ “A prosecutor’s ethical duty to disclose all exculpatory evidence to the defense does not vary depending upon the strength of the other evidence in the case.” *Id.*

¹ Tennessee Rules of Professional Conduct, Rule 3.8 (d) Special Responsibilities of a Prosecutor.

² State ex rel. Okla. Bar Ass’n v. Ward, 353P. 3d 509, 521 (Okla 2015); In re Riek, 350 Wis. 2d 684, 695-697 (2013); Disciplinary Counsel v. Kellogg-Martin, 124 Ohio St. 3d 415, 419 (Ohio 2010).

³ N.Y. St. Bar. Assn. Comm. Prof. Eth., Formal Op. 2016-3 at page 2 (2016)

⁴ In re Larsen, No. 20140535, 2016 WL 3369545 (Utah June 16, 2016); N.Y. St. Bar. Assn. Comm. Prof. Eth., Formal Op. 2016-3 (2016); In re Kline, 113 A. 3d 202 (D.C., 2015); Shultz v. Comm’n for the Lawyer Discipline of the State Bar of Texas, No. 55649, 2015 WL 9855916, at 1 (Tex.Bd. of Disciplinary App. Dec. 17, 2015); VA Legal Eth. Op. 1862 (Virginia Legal Ethics Opinions) 2012 WL 9511066 ; In re Disciplinary Action Against Feland, 820 N.W. 2d 672, 678 (N.D. 2012); In re Jordon, 913 So. 2d 775 (La. 2005).

⁵ In re Kline, 113 A. 3d 202 (D.C., 2015).

⁶ In re Disciplinary Action Against Feland, 820 N.W. 2d 672, 678 (N.D. 2012).

American Bar Association Formal Opinion 09-454 extensively addresses the relationship between Model Rule 3.8(d), which is identical to Tennessee Rule of Professional Conduct 3.8(d), and a prosecutor's disclosure obligations under the United States Constitution. The ABA Opinion concludes that the drafters of Model Rule 3.8(d) "made no attempt to codify the evolving constitutional case law."⁷ ABA Formal Opinion 09-454 specifically states that the rule "does not implicitly include the materiality limitation recognized in the constitutional case law," but rather "requires prosecutors to disclose favorable evidence so that the defense can decide on its utility."⁸

Courts, including the Sixth Circuit Court of Appeals, have held that the *Brady* standard for materiality is less demanding than the ethical obligations imposed on a prosecutor.⁹ In the Tennessee case of *Brooks*,¹⁰ the Sixth Circuit Court of Appeals quoted the U.S. Supreme Court, "Although the Due Process Clause of the Fourteenth Amendment, as interpreted by *Brady*, only mandates the disclosure of material evidence, the obligation to disclose evidence favorable to the defense may arise more broadly under a prosecutor's ethical or statutory obligation."¹¹ ABA Opinion 09-454 sets out that the ABA Standards for Criminal Justice acknowledge that prosecutors' ethical duty of disclosure extends beyond the constitutional obligation.¹²

Comment [1] to Tennessee Rules of Professional Conduct 3.8 states that: "A prosecutor has the responsibility of a minister of justice whose duty is to seek justice rather than merely to advocate for the State's victory at any given cost."

Based on the text and history of Rule 3.8 of the Tennessee Rules of Professional Conduct there is no evidence that the rule contains an implicit materiality limitation or was otherwise intended to codify constitutional law. We join the ABA Committee and other jurisdictions that conclude that RPC 3.8 is a separate ethical obligation of prosecutors and was not meant to be coextensive with a prosecutor's legal disclosure obligations. This ethical duty is separate from disclosure obligations imposed under the Constitution, statutes, procedural rules, court rules, or court orders. A prosecutor's ethical duty to disclose information favorable to the defense is broader than and extends beyond *Brady*.

II.

Timely disclosure is mandated under RPC 3.8(d). The question of what constitutes "timely" was also addressed by ABA Opinion 09-454 which found that in order for disclosure of information to be "timely", it must be made early enough that the information can be used effectively. "Because the defense can use favorable evidence and information most fully and effectively the sooner it is received, such evidence or information, once known to the prosecutor,

⁷ ABA Formal Opinion 09-454, at page 3.

⁸ ABA Formal Opinion 09-454, at page 2.

⁹ *Brooks v. Tenn.*, 626 F. 3d 878, 892 (6th Cir. 2010).

¹⁰ *Id.* At 892.

¹¹ *Cone v. Bell*, 556 U.S. 449, 129 S. Ct. 1769, 1783 n. 15, 173 L. Ed. 2d 701 (2009).

¹² ABA STANDARDS FOR CRIMINAL JUSTICE, PROSECUTION FUNCTION, Standard 3-3.11(a) (ABA 3d. ed. 1993).

must be disclosed under Rule 3.8(d) as soon as reasonably practical.”¹³ The only exception to the timely requirement is “except when the prosecutor is relieved of this responsibility by a protective order of the tribunal.”¹⁴ Comment [3] to RPC 3.8 recognizes that if disclosure of information to the defense could result in substantial harm to an individual or the public interest the prosecutor may seek an appropriate protective order from the tribunal.

“Among the most significant purposes for which disclosure must be made under Rule 3.8(d) is to enable defense counsel to advise the defendant regarding whether to plead guilty. Because the defendant’s decision may be strongly influenced by defense counsel’s evaluation of the strength of the prosecution’s case, timely disclosure requires the prosecutor to disclose evidence and information covered by Rule 3.8(d) prior to a guilty plea proceeding, which may occur concurrently with the defendant’s arraignment.”¹⁵ Once a prosecutor knows of evidence and information that tends to negate the guilt of the accused, or that otherwise falls within Rule 3.8(d)’s disclosure requirement, the prosecutor ordinarily must disclose it as soon as reasonably practicable.¹⁶

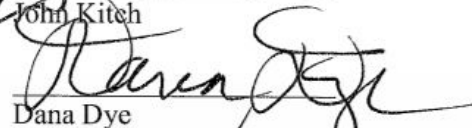
CONCLUSION

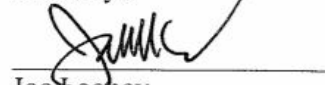
Tennessee Rule of Professional Conduct 3.8(d) is a separate ethical obligation of prosecutors and was not meant to be coextensive with a prosecutor’s legal disclosure obligations. This ethical duty is separate from disclosure obligations imposed under the Constitution, statutes, procedural rules, court rules, or court orders. A prosecutor’s ethical duty to disclose information favorable to the defense is broader than and extends beyond *Brady*. Once a prosecutor knows of evidence and information that tends to negate the guilt of the accused, or mitigates the offense, or falls within RPC 3.8(d)’s disclosure requirement, the prosecutor ordinarily must disclose it as soon as reasonably practicable.

This 15th day of March, 2018.

ETHICS COMMITTEE


John Kitch


Dana Dye


Joe Looney

APPROVED AND ADOPTED BY THE BOARD

¹³ ABA Formal Opinion 09-454, at page 6.

¹⁴ Tennessee Rules of Professional Conduct, 3.8(d).

¹⁵ ABA Formal Opinion 09-454, at page 6.

¹⁶ N.Y. St. Bar. Assn. Comm. Prof. Eth., Formal Op. 2016-3, at page 9 (2016)

BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE

FORMAL ETHICS OPINION 2018-F-165

The Board of Professional Responsibility has been requested to issue a Formal Ethics Opinion regarding the ethical implications of a website owned and operated by a company on which businesses and individuals may post a description of legal services for which they are seeking representation and lawyers/law firms may subsequently submit quotes for the cost of the legal services.

OPINION

The proposed legal marketplace website, owned and operated by a company on which businesses and individuals may post a description of legal services for which they are seeking representation and lawyers/law firms may subsequently submit quotes for the cost of the legal services, appears to comply with the Tennessee Rules of Professional Conduct if it is operated in accordance with the conditions and guidelines set forth in this opinion.

INTRODUCTION

The inquiring company owns and operates a website that will allow a potential client to post a general description of the legal services it is seeking so that a lawyer/firm may respond with a quoted fee for such services. The potential client will entertain various quotes while also considering the marketing materials that the lawyer/firm makes available to the potential client through the website. The potential client is free to select a lawyer/firm of its choice and the Company will not be involved in any way with the selection process aside from providing the client and lawyer the means from which to post, quote, and, to a certain extent, communicate.

Additionally, the Company will not make any recommendations nor endorse or vouch for a lawyer's credentials, abilities, competence, character, or other professional qualities and will not otherwise screen or filter the quoting process. The Company's website will make clear to the public that the website is not providing a recommendation or referral by the Company.

Both the potential clients and the lawyers/firms will be required to pay the Company a fixed annual membership to participate on the website. The lawyers/firms will also be required to purchase "bids" or "quotes" for a fixed fee in order to participate on the website. Similarly, the potential clients will be required to pay for a set/ fee to post legal projects to the website to elicit quotes from lawyers/firms.

For example: To participate on the Company's website, a lawyer pays the Company an annual membership fee of \$1,000. The lawyer also pays \$3,000 for 20 "quotes" that the lawyer can use at his/her discretion on the website. The potential client also pays an annual membership fee of \$1,000 for the ability to post twelve projects. Or the potential client may purchase a membership with unlimited projects for one year.

Pricing for lawyers and potential clients will vary depending on the type of legal matters and/or clients seeking representation. For example, there may be two different pricing schemes; one for businesses seeking representation in mostly corporate matters and one for individuals seeking representation in mostly consumer and/or personal matters. The Company, however, will not receive any portion of any fees paid by clients or lawyers/firms or in any way direct, filter or point to any particular lawyer or law firm. It is up to the lawyer/law firm to submit their quote for the project.

ISSUES

- I.** Is the proposed website an Intermediary Organization?
- II.** Does the proposed legal marketplace website comply with the Tennessee Rules of Professional Conduct with regard to advertising?

DISCUSSION

I.

Is the proposed website an Intermediary Organization?

Rule 7.6 of the Tennessee Rules of Professional Conduct defines an intermediary organization as "a lawyer advertising cooperative, lawyer referral service, prepaid legal insurance provider, or a similar organization the business or activities of which include the performance of fee-generating legal services or the payment for or provision of legal services to the organizations customers, members, or beneficiaries in matters for which the organization does not bear ultimate responsibility.

The inquiring company makes no referrals, explicit or implicit on the website. Once a project is submitted, the site has no control or influence as to which attorneys or firms view the project or quote the project. There is no filtering, sorting, directing or in any way are attorneys delivered or directed to the end user. No attorney or firm names appear on the site until they submit a quote to the end user, and that information only goes to that particular end user. Based upon the foregoing, the operation of the proposed website does not fall within the parameters of an Intermediary Organization as defined by the Tennessee Rules of Professional Conduct.

II.

Does the proposed legal marketplace website comply with the Tennessee Rules of Professional Conduct with regard to advertising?

The concept of a legal marketplace has been a topic of discussion in other states, prompting some bar associations to render ethics opinions. “Whether a service that links consumers and lawyers is permissible advertising or a type of impermissible referral arrangement that violates the ethics rules depends on the characteristics and operation of the service in question and the particular jurisdiction’s view of what constitutes a lawyer referral service.”¹

In Tennessee, lawyer referral services are considered Intermediary Organizations that must be registered with the Board of Professional Responsibility, unless they are charitable or other non-profit organizations.

Ethics authorities in several jurisdictions have reviewed similar websites to the one proposed to the Board of Professional Responsibility by the inquiring company.² The primary issue in the majority of jurisdictions is whether the website constitutes an impermissible lawyer referral service.

Some ethics opinions have identified factors which weigh in favor of finding that a service is permissible advertising and not an impermissible type of lawyer referral service. Those factors include the following:

1. Lawyer-client relationships are formed without the intervention the company.³
2. Users decide which lawyer to contact.⁴
3. The Service plays no role in the decision-making process of prospective clients.⁵
4. Participating lawyers pay a fixed amount for a fixed period of time.⁶
5. The company provides the lawyer’s information to a viewer automatically, based on information provided by the viewer and the participating lawyer, without exercising subjective discretion.⁷

¹ ABA/BNA Lawyers. Manual on Professional Conduct, Advertising and Solicitation: Advertising costs and Referrals (last updated 2014) p. 81:701.

² Utah St. Bar Op. 15-05; Ariz. Eth. Op. 06-06; and D.C. Bar Eth. Op. 302.

³ Nassau County (N.Y.) Ethics Op. 01-4, 17 Laws. Man. Prof. Conduct 123 (2001); 2004 NC Eth. Op 1; R.I. Eth. Op. 2005-1, 21 Laws. Man. Prof. Conduct 152 (2005).

⁴ 2004 NC Eth. Op 1; R. I. Eth. Op. 2005-1, 21 Laws. Man. Prof. Conduct 152 (2005).

⁵ R.I. Eth. Op. 2005-1, 21 Laws. Man. Prof. Conduct 152 (2005); SC Adv. Op. 01-03, 17 Laws. Man. Prof. Conduct 661 (2001).

⁶ Ohio Adv. Op. 2005-001, 21 Laws. Man. Prof. Conduct 152 (2005).

⁷ Colo. Formal Eth. Op. 122, 26 Laws. Man. Prof. Conduct 722 (2008, amended 2010); Ohio Av. Op. 2001-02, 17 Laws. Man. Prof. Conduct 287 (2001); R.I. Eth. Op.2005-01, 21 Laws. Man. Prof. Conduct 152 (2005); Tex. Eth. Op. 573 (2006).

6. The company does not recommend or promote the use of any particular lawyer's services and either does not charge lawyers any fee or discloses on its website that it charges a fee.⁸
7. The company does not limit the number of lawyers who may be listed in a particular geographic or practice area so that it would effectively be recommending particular lawyers to potential clients.⁹
8. The company does not recommend or promote the use of any particular lawyer's services and either does not charge lawyers any fee or discloses on its website that it charges a fee.¹⁰
9. The company does not limit the number of lawyers who may be listed in a particular geographic or practice area so that it would effectively be recommending particular lawyers to potential clients.¹¹

The legal marketplace website owned by the inquiring company squarely fits within the factors favoring a finding that the service is permissible advertising.

The Ohio Supreme Court Board of Professional Conduct previously reviewed the propriety of fee-based advertising websites and set forth three factors to distinguish a fee-based lawyer advertising website from an impermissible lawyer referral service. An impermissible lawyer referral service website does the following: "1) the website requires the lawyer to pay an amount based on the number of people who contact or hire the lawyer or a percentage of the legal fees obtained; 2) the website provides services beyond the ministerial function of placing lawyer's information into public view; and 3) the website appear to be recommending the lawyer or offering his or her services as part of the website's overall services."¹²

The proposed website is currently operating in the State of Ohio under a letter of guidance issued by the Advisory Opinion Subcommittee of the Supreme Court of Ohio. That letter guidance approved the use of the website under the following general conditions:

1. The proposed Website cannot operate in any manner that requires the lawyer to pay a fee based on the number of people who contact or hire the lawyer;

⁸ Colo. Eth. Op. 122, 26 Laws. Man. Prof. Conduct 722 (2008, amended 2010); Nassau County (N.Y.) Ethics Op. 01-4, 17 Laws. Man. Prof. Conduct 123 (2001).

⁹ Colo. Eth. Op. 122, 26 Laws. Man. Prof. Conduct 722 (2008, amended 2010).

¹⁰ Colo. Eth. Op. 122, 26 Laws. Man. Prof. Conduct 722 (2008, amended 2010); Nassau County (N.Y.) Ethics Op. 01-4, 17 Laws. Man. Prof. Conduct 123 (2001).

¹¹ Color. Eth. Op. 122, 26 Laws. Man. Prof. Conduct 722 (2008, amended 2010).

¹² Ohio Adv. Op. 2001-02.

2. The fee paid by the attorney not be in exchange for the Website recommending, referring or electronically directing potential clients to a specific lawyer in violation of RPC 7.2 (c) (giving anything of value to a person for recommending or publicizing the lawyer's services);
3. The fee paid by the lawyer to the Website can never be based upon the amount of fees generated by the lawyer in violation of RPC 5.4 (sharing fees with nonlawyers);
4. The Website should include a prominent disclaimer that potential clients are viewing an advertisement in the form of the attorney bid or quote and not receiving a recommendation or referral by the Website;
5. The Website cannot provide any services to potential clients beyond the purely ministerial function of enabling the electronic exchange of information between two mutually interested persons;
6. The Website cannot play any role in the potential client's decision-making process to hire the lawyer.

The letter of guidance set forth additional considerations as guidelines based on ethics opinions from jurisdictions that follow the Model Rules of Professional Conduct:

- The proposed Website should indicate to consumers that the member lawyers have paid a fee to participate. See Arizona Op. 2005-08.
- The proposed Website may not indicate it has vetted or approved the participating attorneys, or endorse or vouch for a lawyer's credentials, abilities, competence, character, or other professional qualities. Model Rule 7.2, Comment [5].
- The information about the law firm or lawyer and the lawyer's bid or quote should be marked as advertising material. RPC 7.3 See Ohio Adv. Op. 2001-2.
- The proposed Website cannot hold itself out as providing access to the "right" or most "knowledgeable" lawyers, or designate the lawyers as "specialists", "certified", "verified." RPC 7.4. see Tex. Ethics Op. 573 (July, 2006).
- The Website should not provide a satisfaction guarantee, as it may contravene RPC 1.5 Comment [9] (fee dispute resolution).
- The proposed Website should not limit the lawyers available to clients by practice or geographical area. See Arizona Opinion 2006-06.

CONCLUSION

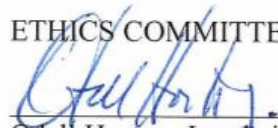
The Tennessee Rules of Professional Conduct permit lawyers to advertise in ways that comply with the rules. “To assist the public in obtaining legal services, lawyers should be allowed to make known their services not only through reputation but also through organized information campaigns in the form of advertising. This need is particularly acute in the case of persons of moderate means who have not made extensive use of legal services. The interest in expanding public information about legal services is significant. Nevertheless, advertising by lawyers shall not contain false or misleading communications about the lawyer or the lawyer’s services.”¹³

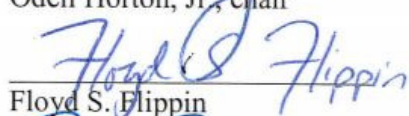
The use of the internet advertising and the use of websites has become commonplace among lawyers. The proposed legal marketplace website is a way that lawyers and clients can utilize the ever-changing internet to assist in forming their relationships.

The proposed legal marketplace website owned and operated by a company on which businesses and individuals may post a description of legal services for which they are seeking representation and lawyers/law firms may subsequently submit quotes for the cost of the legal services appears to comply with the Tennessee Rules of Professional Conduct if it is operated in accordance with the conditions and guidelines set forth in this opinion.

This 9th day of March, 2018.

ETHICS COMMITTEE:


Odell Horton, Jr., chair


Floyd S. Flippin


Jody S. Pickens

APPROVED AND ADOPTED BY THE BOARD

¹³ Rule 7.2 Tennessee Rules of Professional Conduct, comment [2].



Supreme Court Appoints Hearing Committee Members

On March 22, 2018, the Supreme Court entered an Order appointing the following individuals as Hearing Committee Members for the Board of Professional Responsibility:

- District I:** James B. Dunn, James W. Harrison, Richard E. Ladd, Jr., Polly A. Peterson, Mark A. Skelton
- District II:** W. Dale Amburn, R. Scott Carpenter, Stephen A. Marcum, Marshall H. Peterson, Victoria B. Tillman, Hanson R. Tipton
- District III:** John M. Carson, III, John F. Kimball, H. Chris Trew
- District IV:** n/a
- District V:** Leroy Johnston Ellis, IV, Chris Fowler, Steven D. Parman, Raymond G. Prince, Christopher C. Sabis, Jennifer Lynne Sheppard, Lesa H. Skoney, David J. Tarpley
- District VI:** James Patrick Catalano, Robert H. Hassell, Tracy White Moore, T. Jake Wolaver
- District VII:** William J. Milam
- District VIII:** Amber Griffin Shaw, Vanedda Prince Webb
- District IX:** Margaret M. Chesney, Laura Deakins, Sean Antone Hunt

Similarly, the Court entered an Order on March 16, 2018, re-appointing the following individuals:

- District I:** M. Neil Smith
- District II:** David A. Draper, Christopher A. Hall, Brian K. Krumm, Eric J. Morrison
- District III:** Cameron S. Hill, Sr., Rosemarie L. Hill
- District IV:** Doug Aaron, S. Todd Bobo, A. Ensley Hagan, Jr., Kyle B. Heckman
- District V:** Robert C. Bigelow, Michael M. Castellarin, Craig V. Gabbert, Jr., Stanley A. Kweller, Richard McGee, Andrea P. Perry, Gerald C. Wigger
- District VI:** Douglas T. Bates, III, Ryan P. Durham
- District VII:** Matthew A. Floyd, Leanne A. Thorne, Edwin C. Townsend, Jr.
- District VIII:** n/a
- District IX:** Stuart J. Canale, Asia N. Diggs, Andre B. Mathis, Kamilah E. Turner, André C. Wharton

Disciplinary Actions

- (October, 2017 – March, 2018)
-

DISBARMENTS

ROBIN K. BARRY, BPR #21843
DAVIDSON COUNTY

On February 16, 2018, Robin K. Barry, formerly of Nashville, Tennessee, and now of Richmond, Texas, was disbarred from the practice of law by Order of the Tennessee Supreme Court effective February 26, 2018. Ms. Barry must pay the Board's costs and expenses and the court costs.

Ms. Barry received \$100,000 of client funds pending the resolution of her client's lawsuit. A hearing panel found that she knowingly converted over \$14,000 of those funds while they were being held in her trust account. In addition, she commingled her personal funds in the trust account in order to replace the funds she converted. While the case was pending, Ms. Barry moved to Texas and began practicing law there but failed to tell her client that she had moved. She avoided her client's efforts to communicate with her, and misled her in an effort to conceal the fact that the balance of the funds that should have remained after the conclusion of the lawsuit was missing from her trust account. Ms. Barry's ethical misconduct violated Tennessee Rules of Professional Conduct 1.4, Communication; 1.15(a) and (d), Safekeeping Property and Funds; and 8.4(a) and (c), Misconduct.

A hearing panel recommended an eighteen-month suspension, with sixty days active suspension and the remainder on probation. The Board appealed to Chancery Court which reversed and modified the Hearing Panel decision and imposed disbarment. Ms. Barry appealed to the Supreme Court which affirmed the decision of the Chancery Court. The Supreme Court found that the disbarment should be prospective and not be imposed retroactively to the date of Ms. Barry's temporary suspension.

Ms. Barry must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 18 (2006) and 30 (2014), regarding the obligations and responsibilities of disbarred attorneys.

DON W. COOPER, BPR #1286
SULLIVAN COUNTY

Effective February 23, 2018, the Supreme Court of Tennessee disbarred Don W. Cooper from the practice of law, retroactive to August 18, 2017, for misappropriating funds while serving as personal representative of an estate. Mr. Cooper is required to pay restitution to the estate in the amount of \$57,000.00. The Tennessee Supreme Court suspended Mr. Cooper on August 18, 2017, pursuant to Tennessee Supreme Court Rule 9, Section 22.3, based upon his entry of Alford/Best Interest pleas to ten counts of theft. The Board of Professional Responsibility instituted a formal proceeding to determine the extent of final discipline to be imposed.

DISBARMENTS (continued)

Mr. Cooper's conduct violated Rules of Professional Conduct 1.15(a) and (d) (Safekeeping Property and Funds) and 8.4(a), (b) and (c) (Misconduct).

Mr. Cooper was previously disbarred by the Supreme Court of Tennessee on February 23, 2017. That disbarment remains in effect.

Mr. Cooper must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 18 and 30, regarding the obligations and responsibilities of disbarred attorneys and may not return to the active practice of law until an order of reinstatement has been entered by the Supreme Court.

CARRIE LEIGH GASAWAY, BPR #18746 MONTGOMERY COUNTY

Effective October 9, 2017, the Supreme Court of Tennessee entered an Order disbarring Carrie Leigh Gasaway from the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 12.1, and requiring payment of restitution and costs of the disciplinary proceeding. Ms. Gasaway was previously disbarred by Order entered October 15, 2015, and said Order remains in effect.

A Petition for Discipline (2016-2653-6-AW) was filed November 9, 2016, containing three (3) complaints alleging misappropriation of funds from trust, lack of diligent representation and charging of an unreasonable fee. A Petition for Final Discipline (2016-2629-6-AW-22.3) was filed December 1, 2016, based upon Ms. Gasaway's criminal conviction for felony theft in excess of \$10,000.00.

Both disciplinary actions were consolidated and tried before a Hearing Panel who determined Ms. Gasaway's conduct violated Rules of Professional Conduct 1.3 (diligence); 1.4 (communication); 1.5 (fees); 1.15 (safekeeping property and funds); 1.16 (terminating representation) and 8.4(a), (b), (c) and (d) (misconduct) and ordered restitution totaling \$57,899.45 be paid to four (4) former clients.

Ms. Gasaway must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of disbarred attorneys and the procedure for reinstatement.

LONIEL GREENE, JR., BPR #30906 DAVIDSON COUNTY

On November 15, 2017, Loniel Greene, Jr. was disbarred from the practice of law by Order of the Tennessee Supreme Court. Mr. Greene must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

Mr. Greene's cousin was in jail charged with domestic assault. During recorded telephone conversations with his cousin, Mr. Greene agreed to testify falsely at his cousin's bond source hearing that Mr. Greene was the source of the money used for his cousin's bond when it was in fact that of his cousin. Mr. Greene admittedly testified falsely at that hearing regarding the source of the money used for his cousin's bond. During those recorded telephone conversations, Mr. Greene also discussed with his cousin plans for Mr.

DISBARMENTS (continued)

Greene to attempt to coerce the prosecuting witness from testifying against the cousin. During those conversations, Mr. Greene also admitted having made efforts to coerce the witness from testifying.

Mr. Greene's ethical misconduct violates Rules of Professional Conduct 3.3(a)(1), Candor toward the Tribunal; 3.4(a), (f) and (g), Fairness to Opposing Party and Counsel; and 8.4(a), (b), (c) and (d), Misconduct.

Mr. Greene must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of disbarred attorneys.

SEAN K. HORNBECK, BPR #23197 DAVIDSON COUNTY

On February 16, 2018, Sean K. Hornbeck, of Nashville, Tennessee, was disbarred from the practice of law by Judgment of the Tennessee Supreme Court effective February 26, 2018. Mr. Hornbeck must pay the Board's costs and expenses and the court costs. In addition, he must make restitution to three clients.

Mr. Hornbeck convinced an investor to entrust him with between \$5,000,000 and \$5,500,000 on the basis that Mr. Hornbeck would hold the money in his trust account, it would never be at risk and the investor would reap substantial dividends. Instead, Mr. Hornbeck released most of the money to unknown third parties and/or misappropriated it to his own use. In an effort to conceal his actions, Mr. Hornbeck submitted falsified bank records and false testimony in Chancery Court. Mr. Hornbeck also failed to diligently represent two clients and failed to adequately communicate with them. While Mr. Hornbeck was temporarily suspended, he engaged in the unauthorized practice of law while in the employ of an attorney. He engaged in a scheme to misappropriate funds from a client of that attorney. Mr. Hornbeck's ethical misconduct violated Tennessee Rules of Professional Conduct 1.3, Diligence; 1.4, Communication; 1.8(h), Conflict of Interest; 1.15(a), Safekeeping Property and Funds; 1.16(d), Declining and Terminating Representation; 3.2, Expediting Litigation; 5.5, Unauthorized Practice of Law; and 8.4(a), (b), (c), (d) and (g), Misconduct.

A hearing panel recommended Mr. Horneck be disbarred. He appealed to Chancery Court which affirmed the Hearing Panel decision. Mr. Hornbeck appealed to the Supreme Court which affirmed the decision of the Chancery Court. The Supreme Court found that the disbarment should be prospective and not be imposed retroactively to the date of Mr. Hornbeck's temporary suspension.

Mr. Hornbeck must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 18 (2006) and 30 (2014), regarding the obligations and responsibilities of disbarred attorneys.

FLETCHER WHALEY LONG, BPR #18775 MONTGOMERY COUNTY

Effective November 15, 2017, the Supreme Court of Tennessee disbarred Fletcher Whaley Long from the practice of law and ordered payment of restitution to four (4) former clients for engaging in conduct involving dishonesty, fraud, deceit and misrepresentation. Mr. Long was previously disbarred by Order of Enforcement entered September 14, 2015.

DISBARMENTS (continued)

In the first complaint, Mr. Long received a retainer fee and did not complete the work before his suspension from the practice of law, then misrepresented that another attorney would assume the client's representation. In the second complaint, Mr. Long accepted a fee to represent the client but did not provide the professional services he was hired to complete. In the third complaint, Mr. Long received a refundable fee from his client but failed to file a cause of action within the statute of limitations, failed to maintain client funds in trust and failed to disclose his indictment for embezzlement when the client hired Mr. Long. In the fourth complaint, Mr. Long accepted a fee without disclosing his indictment for embezzlement and, thereafter, failed to provide the professional services for which he had been retained.

Mr. Long's conduct violated Rules of Professional Conduct 1.2(a) (scope of representation); 1.3 (competency); 1.4(a) and (b) (communication); 1.5(a), (b), (e) and (f) (fees); 1.15(a)-(e) (safekeeping property and funds); 1.16(a) and (d) (declining or terminating representation); 8.1(b) (bar admissions and disciplinary matters) and 8.4(a), (c) and (d) (misconduct).

Mr. Long must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of disbarred attorneys and may not return to the active practice of law until an order of reinstatement has been entered by the Supreme Court.

MICHAEL JOHN MCNULTY, BPR #25974 DAVIDSON COUNTY

On February 15, 2018, Michael John McNulty, of Nashville, Tennessee, was disbarred from the practice of law effective immediately by Order of the Tennessee Supreme Court. In addition, Mr. McNulty must make restitution to two clients as a condition of reinstatement. Mr. McNulty must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

Mr. McNulty signed two clients' names to settlement checks without their permission, misappropriated the settlement funds and made misrepresentations to the clients that the checks had not been received. In several matters, Mr. McNulty did not represent clients diligently, did not communicate with them and did not respond to the Board's requests for information.

Mr. McNulty's ethical misconduct violated Tennessee Rules of Professional Conduct 1.1, Competence; 1.2, Scope of Representation; 1.3, Diligence; 1.4, Communication; 1.5, Fees; 1.15, Safekeeping Property and Funds; 1.16, Declining and Terminating Representation; 3.2, Expediting Litigation; 8.1, Bar Admission and Disciplinary Matters; and 8.4(a), (b), (c) and (g), Misconduct.

On March 9, 2017, Mr. McNulty was temporarily suspended by the Tennessee Supreme Court for posing a threat of substantial harm to the public. As Mr. McNulty is now disbarred, the temporary suspension is dissolved.

Mr. McNulty must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of suspended attorneys.

DISBARMENTS (continued)

JOHN PHILIP PARSONS, BPR #11636 PUTNAM COUNTY

Effective October 13, 2017, the Supreme Court of Tennessee entered an Order disbaring John Philip Parsons from the practice of law, retroactive to January 21, 2016, pursuant to Tennessee Supreme Court Rule 9, Section 12.1. Mr. Parsons is required to pay the cost of the disciplinary proceeding and restitution.

Four (4) Petitions for Discipline containing nine (9) disciplinary complaints were filed against Mr. Parsons. A Conditional Guilty Plea, executed by Mr. Parsons, was approved by the Hearing Panel on August 30, 2017. Mr. Parsons misappropriated client funds from his trust account, created and filed fraudulent documents with the Appellate Court Clerk, misled his clients regarding the status of their case on appeal, failed to file a notice of appeal and failed to file pleadings and timely respond to discovery. Mr. Parsons' conduct violated Rules of Professional Conduct 1.1 (competence); 1.2 (scope of representation); 1.5 (fees); 1.15 (safekeeping of property and funds); 1.16 (declining or terminating representation); 3.2 (expediting litigation); 3.3 (candor toward tribunal); 5.5 (unauthorized practice of law); 8.1 (bar admissions and disciplinary matters) and 8.4 (misconduct).

Mr. Parsons must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

ALAN G. WARD, BPR #18949 BENTON COUNTY

On November 3, 2017, Alan G. Ward was disbarred from the practice of law by Order of the Tennessee Supreme Court. Mr. Ward must also make restitution to a client. Mr. Ward must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

Mr. Ward failed to handle an urgent child custody petition expeditiously. He caused signatures on a pleading to be falsely dated. He failed to communicate with the child's guardian ad litem. When terminated by his clients, he failed to promptly return their file. He did not refund the unearned portion of his fee. In a separate matter, Mr. Ward was appointed to represent two indigent defendants in the Court of Criminal Appeals in two different cases. He failed to file a brief on behalf of his clients. He failed to respond to orders from the Court of Criminal Appeals. He abandoned his representation of the clients.

Mr. Ward's ethical misconduct violated Rules of Professional Conduct 1.1, Competence; 1.3, Diligence; 1.4(a), Communication; 1.5(a), Fees; 1.16(d)(3), (4) and (6), Declining and Terminating Representation; 3.2, Expediting Litigation; 3.3(a)(1), Candor toward the Tribunal; 3.4(c), Fairness to Opposing Party and Counsel; 8.1(b), Bar Admission and Disciplinary Matters; and 8.4(a) and (c), Misconduct.

Mr. Ward must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of suspended attorneys.

SUSPENSIONS

JASON WADE BARNETTE, BPR #26960 DAVIDSON COUNTY

On October 12, 2017, the Tennessee Supreme Court suspended Jason Wade Barnette from the practice of law for three (3) years, with one (1) year served as active suspension and the remainder on probation. Mr. Barnette must pay restitution to five former clients as a condition of reinstatement to the practice of law. Mr. Barnette must pay the Board of Professional Responsibility's costs and expenses and court costs within ninety days.

On November 10, 2016, a Petition for Discipline was filed against Mr. Barnette, and a Supplemental Petition for Discipline was filed on February 9, 2017. These Petitions for Discipline included seven (7) complaints. Mr. Barnette entered a Conditional Guilty Plea on September 6, 2017.

The complaints alleged that after paying Mr. Barnette for representation, he missed court dates resulting in default judgments and was non-responsive to requests for information. In two cases, Mr. Barnette was able to have default judgments set aside. In one case, Mr. Barnette failed to timely remit proceeds of a settlement. In another case, Mr. Barnette agreed to dismiss a case he filed on behalf of a client without consulting her. Mr. Barnette's misconduct violated Rules of Professional Conduct 1.1 (competence), 1.2 (scope of representation), 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.15 (safekeeping property), 1.16 (terminating representation) and 8.4 (a), (c) and (d) (misconduct).

Mr. Barnette must comply with Tennessee Supreme Court Rule 9, Section 28 regarding the obligations and responsibilities suspended attorneys.

LISA ZARZOUR BOWMAN, BPR #17972 HAMILTON COUNTY

On January 22, 2018, the Supreme Court of Tennessee entered an order suspending Lisa Zarzour Bowman from the practice of law for one (1) year with thirty (30) days being an active suspension and the remainder served on probation with the appointment of a practice monitor pursuant to Tennessee Supreme Court Rule 9, Sections 12.2 and 12.9. In addition, Ms. Bowman must pay the Board's costs in the disciplinary proceeding.

On August 24, 2016, a Petition for Discipline containing one (1) complaint was filed against Ms. Bowman alleging lack of diligence, lack of communication, and incompetent representation. After a trial upon the merits, the Hearing Panel found Ms. Bowman (a) failed to timely prepare and file documents with the trial court for a period of nearly fifteen (15) months, failed to reasonably communicate with her client regarding changes made in the Final Decree of Divorce previously approved by the client and filed a Final Decree of Divorce not approved by the client which omitted a material term negotiated by the client with her husband. Ms. Bowman's unethical conduct violated Rules of Professional Conduct 1.3 (diligence); 1.4 (communication); 3.2 (expediting litigation) and 8.4 (misconduct).

Ms. Bowman must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and may not return to the active practice of law until an order of reinstatement has been entered by the Supreme Court.

SUSPENSION (continued)

DANIEL GRAHAM BOYD, BPR #22448 HAWKINS COUNTY

On January 10, 2018, Daniel Graham Boyd was suspended from the practice of law by Order of the Tennessee Supreme Court for three (3) years, with one hundred-twenty (120) days active suspension and the remainder on probation. Mr. Boyd must engage a practice monitor, obtain an evaluation by the Tennessee Lawyers Assistance Program and enter into a monitoring agreement, if appropriate, attend additional continuing legal education, and commit no further acts of misconduct resulting in a recommendation of discipline. Mr. Boyd must pay the Board's costs and expenses.

The Board filed a Petition for Discipline and a Supplemental Petition for Discipline containing two complaints of misconduct. In one matter, Mr. Boyd represented a widow concerning her husband's estate. Over approximately five (5) years, Mr. Boyd made false statements to the daughters of his client leading them to believe that he was taking actions in furtherance of his representation of their mother that he was not. In another matter, Mr. Boyd represented the employee in a workers compensation claim. Other than filing a request for assistance, he took no action over a period of approximately five (5) years to further her claim and he made false statements to his client over that period leading her to believe that he was taking actions that he was not. A Hearing Panel determined that Mr. Boyd should be suspended for three years, with 120 days served as an active suspension and the remainder on probation.

Mr. Boyd's ethical misconduct violates Rules of Professional Conduct 1.3 (Diligence); 4.1(a) (Truthfulness in Statements to Others) and 8.4(a) and (c) (Misconduct).

Mr. Boyd must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of suspended attorneys.

WILLIAM C. GOSNELL, BPR #4369 SHELBY COUNTY

Effective October 6, 2017, the Supreme Court of Tennessee entered an order suspending William C. Gosnell from the practice of law for four (4) years, pursuant to Tennessee Supreme Court Rule 9, Section 12.2, and requiring Mr. Gosnell pay the cost of the disciplinary proceeding.

On February 1, 2017, a Petition for Discipline, consisting of three (3) complaints, was filed against Mr. Gosnell alleging he engaged in the unauthorized practice of law; failed to inform his clients, opposing counsel and the court of his two (2) year suspension; and misled his clients, opposing counsel and the court regarding his reason for withdrawing as attorney of record. On August 21, 2017, Mr. Gosnell submitted a Conditional Guilty Plea acknowledging his unethical conduct violated Rules of Professional Conduct 3.3 (candor toward tribunal) and 5.5 (unauthorized practice of law).

Mr. Gosnell is currently serving a separate two (2) year suspension pursuant to an Order of Enforcement (M2016-01323-SC-BAR-BP) entered by the Tennessee Supreme Court on July 1, 2016.

SUSPENSION (continued)

Mr. Gosnell must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

DONALD BRENT GRAY, BPR #27263 CAMPBELL COUNTY

On December 28, 2017, Donald Brent Gray was suspended from the practice of law by Order of the Tennessee Supreme Court for two (2) years, retroactive to March 10, 2017, with one (1) year active suspension and one (1) year on probation. As conditions of his probation, Mr. Gray must engage a practice monitor, obtain an evaluation by the Tennessee Lawyers Assistance Program and enter into a monitoring agreement if appropriate, make restitution to two clients, and commit no further acts of misconduct resulting in a recommendation of discipline. Mr. Gray must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

In one matter, Mr. Gray failed to appear for a court date. In a second matter, he failed to deposit an unearned fee to a trust account and failed to refund the unearned portion of his fee after his representation terminated. In a third matter, he failed to appear for a court date and failed to deposit an unearned fee to a trust account. In all matters, he failed to respond to the Board's requests for information.

Mr. Gray's ethical misconduct violates Rules of Professional Conduct 1.3, Diligence; 1.15(c), Safekeeping Property and Funds; 1.16(d), Declining and Terminating Representation; 8.1(b), Bar Admissions and Disciplinary Matters; and 8.4(a), Misconduct.

Mr. Gray must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of suspended attorneys.

WILLIAM N. HULSEY, III, BPR #12672 TEXAS

On December 27, 2017, the Supreme Court of Tennessee entered an Order of Reciprocal Discipline suspending the law license of William N. Hulsey, III, Travis County, Texas for thirty (30) months with the suspension being fully probated, beginning September 1, 2017, and ending February 28, 2020, as specified by the Agreed Judgment of Probated Suspension entered August 30, 2017, by the State Bar of Texas.

Upon receiving notification by the Board of Professional Responsibility that Mr. Hulsey was subject to attorney discipline in Texas, the Supreme Court of Tennessee entered a notice requiring Mr. Hulsey to show cause why reciprocal discipline should not be imposed in Tennessee. Mr. Hulsey failed to file a response to the Tennessee Supreme Court's notice and the Court found it appropriate to enter an Order of Reciprocal Discipline against Mr. Hulsey.

Mr. Hulsey must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys placed on probation. Mr. Hulsey is eligible to practice law in Tennessee during the probationary period.

SUSPENSION (continued)

JAMES DANIEL MARSHALL, BPR #25541 DAVIDSON COUNTY

Effective March 22, 2018, the Supreme Court of Tennessee, pursuant to Tennessee Supreme Court Rule 9, Section 12.4, entered an order suspending James Daniel Marshall from the practice of law for a period of two (2) years, with thirty (30) days to be served as an active suspension, and the remainder served on probation subject to certain conditions including the appointment of a practice monitor and continued contact with Tennessee Lawyers Assistance Program. Mr. Marshall is required to reimburse the Board for all costs in the disciplinary proceeding.

During the representation of three (3) clients, Mr. Marshall failed to produce discovery responses, attend case management conferences and motion hearings, timely serve a summons or issue alias summons, and timely communicate with his clients. In mitigation, Mr. Marshall experienced a significant personal loss followed by depression which largely went untreated until the disciplinary complaints surfaced.

Mr. Marshall's conduct violated Rules of Professional Conduct (RPC) 1.1 (competence); 1.3 (diligence); 1.4 (communication); 3.2 (expediting litigation) and 8.4 (misconduct).

Mr. Marshall must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and may not return to the active practice of law until an order of reinstatement has been entered by the Supreme Court.

BARRY KEITH MAXWELL, BPR #9572 MONROE COUNTY

On January 22, 2018, the Tennessee Supreme Court suspended Barry Keith Maxwell from the practice of law for seventy-five (75) days. Upon completion of his suspension, Mr. Maxwell will be placed on probation for one (1) year, subject to the condition that he submit to an evaluation by the Tennessee Lawyers Assistance Program (TLAP) and comply with any monitoring requirements TLAP deems necessary. Mr. Maxwell must pay the Board of Professional Responsibility's costs and expenses and court costs within ninety days.

On August 17, 2015, a Petition for Discipline was filed against Mr. Maxwell containing one complaint of misconduct. A hearing was held on December 1, 2016, and a Petition for Review was filed with the Chancery Court for Monroe County and heard before the Chancellor on August 16, 2017.

The complaint alleged that Mr. Maxwell used a portion of a client's cash settlement for a personal expense believing that he could earn that money back quickly to repay his client. Mr. Maxwell advised his client of this after using the funds; however, repayment was delayed as Mr. Maxwell was subsequently suspended for non-payment of his annual registration dues.

Mr. Maxwell's misconduct violated Rules of Professional Conduct 1.15 (safekeeping property) and 8.4(a) (misconduct).

SUSPENSION (continued)

Mr. Maxwell must comply with Tennessee Supreme Court Rule 9, Section 28 regarding the obligations and responsibilities of suspended attorneys.

GEORGE AVERY MOTT, BPR #25039 DAVIDSON COUNTY

On December 27, 2017, George Avery Mott was suspended from the practice of law by the Tennessee Supreme Court. Mr. Mott is suspended from the practice of law for one (1) year with thirty (30) days active suspension and the remaining time to be served on probation. As conditions of his probation, Mr. Mott shall engage a practice monitor, make restitution to five clients, and refrain from incurring any new complaints of misconduct that result in the Board's recommendation of discipline. Mr. Mott must pay the Board's costs in this matter within 90 days.

The Board filed a Petition for Discipline due to two (2) complaints arising out of Mr. Mott's conduct in Bankruptcy Court. In the first complaint, Mr. Mott incorrectly informed his client that his annuity would not become property of the trustee if he filed a Chapter 7 petition. The second complaint stemmed from an Agreed Order entered with the trustee based upon the Trustee's Motion to audit five (5) of Mr. Mott's files and limit his practice in Bankruptcy Court. The trustee alleged that Mr. Mott failed to pay filing fees or file Motions for filing fees to be paid in installments, failed to file a pre-trial brief and exhibit list in one case, failed to submit an order to reopen a case once a Motion to reopen was unopposed, and failed to show good communication with his clients. Mr. Mott entered into a Conditional Guilty Plea admitting his violation of Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4 (communication), 1.5 (a) and (f) (fees), 3.2 (expediting litigation), 3.4(c) (fairness to opposing party and counsel) and 8.4 (a) (misconduct).

Mr. Mott must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of suspended attorneys and may not return to the active practice of law until an order of reinstatement has been entered by the Supreme Court.

HOWARD ROBERT CLYDE ORFIELD: BPR #10567 SULLIVAN COUNTY

On October 9, 2017, Howard Robert Clyde Orfield of Sullivan County, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court. Mr. Orfield is suspended for a period of three (3) years, consisting of ninety (90) days active suspension and the remainder on probation. Mr. Orfield must pay the Board of Professional Responsibility's costs and expenses and court costs within ninety days.

After accepting payments from two clients to represent them in Bankruptcy proceedings, Mr. Orfield ceased communicating with them and failed to perform the services for which he was paid. Mr. Orfield refunded the fee to one client. Mr. Orfield entered a conditional guilty plea that requires him to have a practice monitor during his probation and make restitution to the other client as a condition of reinstatement to the practice of law.

Mr. Orfield's ethical misconduct violates Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.16 (terminating representation), and 8.4 (a) and (d) (misconduct).

SUSPENSION (continued)

Mr. Orfield must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of suspended attorneys, and may not return to the active practice of law until an order of reinstatement has been entered by the Supreme Court.

ASHLEY DENISE PRESTON, BPR #25642 **DAVIDSON COUNTY**

On October 20, 2017, Ashley Denise Preston was suspended from the practice of law by the Tennessee Supreme Court. Ms. Preston is suspended from the practice of law for four (4) years retroactive to the date of her transfer from Disability Inactive Status to Active Status, February 23, 2016, with two (2) years to be served as an active suspension and the remaining time to be served on probation. As conditions of her probation, Ms. Preston must engage a practice monitor, make restitution to one client, and satisfy the judgment in *Daffin v. Preston* as appropriate. Ms. Preston must pay the Board costs in this matter within 90 days.

The Board filed a Petition for Discipline and two Supplemental Petitions for Discipline arising from four (4) complaints of ethical misconduct. In one matter, Ms. Preston failed to respond to an Order of the Court of Appeals on behalf of a client. In another matter, Ms. Preston failed to appear in court due to a conflict and the client's case was dismissed. Ms. Preston attempted to alert the court to her conflict, but her communication did not reach the judge and opposing counsel successfully moved for dismissal of the case. In a third case, Ms. Preston accepted a fee to represent a client in a child support matter; however, Ms. Preston failed to do any work on the case. In the last matter, Ms. Preston became sole trustee of her family's trust and began making payments to herself and other beneficiaries that were disputed by one of the beneficiaries. A lawsuit was filed against Ms. Preston for these payments, and a default judgment was taken. Ms. Preston entered into a Conditional Guilty Plea admitting that she violated Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.15 (safekeeping property), 1.16 (terminating representation), 3.2 (expediting litigation), and 8.4 (a) and (d) (misconduct).

Ms. Preston must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of suspended attorneys and may not return to the active practice of law until an order of reinstatement has been entered by the Supreme Court.

DAVID HAINES ROTROFF, BPR #583 **HAMILTON COUNTY**

By Order of the Tennessee Supreme Court entered March 28, 2018, the law license of David Haines Rotroff was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Rotroff 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.

SUSPENSION (continued)

MARVIN REID STANFORD, BPR #25128 MISSISSIPPI

On December 20, 2017, the Supreme Court of Tennessee entered an Order of Reciprocal Discipline suspending the law license of Marvin Reid Stanford of Olive Branch, Mississippi, for three (3) years with six (6) months on active suspension, and the remaining two and a half (2.5) years served on probation. The suspension is retroactive to September 1, 2017. Mr. Stanford is licensed to practice law in Mississippi and Tennessee.

Upon receiving notification by the Board of Professional Responsibility that Mr. Stanford was subject to attorney discipline in Mississippi, the Supreme Court of Tennessee entered a notice requiring Mr. Stanford to demonstrate why reciprocal discipline should not be imposed in Tennessee. The Supreme Court of Mississippi found that Mr. Stanford violated Mississippi Rules of Professional Conduct 1.15(a) and (b) (safekeeping property and funds); 5.3(a) (responsibilities to non-lawyer assistants); and, 8.4(a) and (d) (misconduct).

Mr. Stanford must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4 regarding the obligations and responsibilities of suspended attorneys.

CAPP PETERSON TAYLOR, BPR #25820 JEFFERSON COUNTY

On December 19, 2017, Capp Peterson Taylor of Dandridge, Tennessee was suspended effective immediately for six months by the Tennessee Supreme Court. Further, Mr. Taylor must pay the Board of Professional Responsibility's costs and expenses and the court costs within ninety days.

A hearing panel determined that Mr. Taylor was in an improper partnership with a non-lawyer, shared legal fees with a non-lawyer, failed to deposit retainers to a trust account and engaged in deceptive advertising.

The Hearing Panel found Mr. Taylor's actions violated the following Rules of Professional Conduct: 1.15(a) and (c), Safekeeping Property and Funds; 5.4(a) and (b), Professional Independence of a Lawyer; 7.1, Communications Concerning a Lawyer's Services; 7.2(d), Advertising; and 8.4(a), Misconduct.

Mr. Taylor was suspended by the Tennessee Supreme Court on August 17, 2017, for failing to comply with continuing legal education requirements. That suspension remains in effect.

Mr. Taylor must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of suspended attorneys.

TEMPORARY SUSPENSIONS

CARLA L. AREVALO, BPR #31003 **DAVIDSON COUNTY**

On January 11, 2018, the Supreme Court of Tennessee temporarily suspended Carla L. Arevalo from the practice of law for failing 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.

Ms. Arevalo is immediately precluded from accepting any new clients or cases and must cease representing all existing clients by February 10, 2018. After February 10, 2018, Ms. Arevalo shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

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

Ms. Arevalo must comply with the requirements of Tennessee Supreme Court Rule 9, Section 28 and 12.3, regarding the obligations and responsibilities of temporarily suspended attorneys and the procedure for reinstatement.

This suspension remains in effect until dissolution or modification by the Supreme Court. Ms. Arevalo may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

LARRY D. CANTRELL, BPR #9921 **McMINN COUNTY**

On November 17, 2017, the Supreme Court of Tennessee suspended Larry D. Cantrell from the practice of law until further orders of the Court pursuant to Tennessee Supreme Court Rule 9, Section 22.3. Mr. Cantrell was suspended based upon his criminal conviction for Theft of Property in violation of T.C.A. §39-14-103 in the matter of *State of Tennessee v. Larry Dean Cantrell*, in the Circuit Court for McMinn County. The Supreme Court's Order is effective immediately.

Pursuant to the Order of the Supreme Court, the matter has been referred to the Board to institute formal proceedings to determine the extent of the final discipline to be imposed upon Mr. Cantrell as a result of his conviction of a serious crime.

On February 7, 2017, Mr. Cantrell was temporarily suspended from the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 12.3. He has not been reinstated from that suspension. Mr. Cantrell must comply with Tennessee Supreme Court Rule 9, Section 28 regarding the obligations and responsibilities of suspended attorneys.

TEMPORARY SUSPENSIONS (continued)

RICHARD DALE DARBY, BPR #28787 ***HAMBLEN COUNTY***

On October 27, 2017, the Supreme Court of Tennessee temporarily suspended Richard Dale Darby from the practice of law for posing a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate temporary suspension of an attorney's license to practice law in cases where the attorney's conduct poses a threat of substantial harm to the public.

Mr. Darby is immediately precluded from accepting any new cases, and he must cease representing existing clients by November 26, 2017. Thereafter, Mr. Darby shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Darby 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. Darby is required to deliver to all clients any papers or property to which they are entitled.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Darby may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

JACKIE LYNN GARTON, BPR #16106 ***DICKSON COUNTY***

Effective November 20, 2017, the Supreme Court of Tennessee temporarily suspended Jackie Lynn Garton from the practice of law for misappropriating funds and posing a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate temporary suspension of an attorney's license to practice law in cases where an attorney has misappropriated funds, and thereby posing a threat of substantial harm to the public.

Mr. Garton is immediately precluded from accepting any new cases and must cease representing existing clients before December 20, 2017. Thereafter, Mr. Garton shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Garton 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. Garton is required to deliver to all clients any papers or property to which they are entitled.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Garton may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

M. ANDREW HOLLAND, BPR #10484 ***DAVIDSON COUNTY***

On March 9, 2018, the Supreme Court of Tennessee temporarily suspended M. Andrew Holland from the practice of law upon finding that Mr. Holland 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

TEMPORARY SUSPENSIONS (continued)

attorney's license to practice law in cases of an attorney's failure to respond to the Board regarding a complaint of misconduct.

Mr. Holland is immediately precluded from accepting any new cases, and he must cease representing existing clients by April 8, 2018. After April 8, 2018, Mr. Holland shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Holland 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. Holland is required to deliver to all clients any papers or property to which they are entitled.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Holland may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

BRENNAN PATRICK LENIHAN, BPR #22165 KNOX COUNTY

On January 30, 2018, the Supreme Court of Tennessee temporarily suspended Brennan Patrick Lenihan from the practice of law upon finding that Mr. Lenihan 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. Lenihan is immediately precluded from accepting any new cases, and he must cease representing existing clients by March 1, 2018. After March 1, 2018, Mr. Lenihan shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Lenihan 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. Lenihan is required to deliver to all clients any papers or property to which they are entitled.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Lenihan may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

TESHAUN DAVID MOORE, BPR #27816 SHELBY COUNTY

On March 7, 2018, the Supreme Court of Tennessee temporarily suspended TeShaun David Moore from the practice of law upon finding that Mr. Moore misappropriated client 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 where an attorney has misappropriated funds or otherwise poses a threat of substantial harm to the public.

TEMPORARY SUSPENSIONS (continued)

Mr. Moore is immediately precluded from accepting any new cases, and he must cease representing existing clients by April 7, 2018 (thirty days). After April 7, 2018, Mr. Moore shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Moore 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. Moore is required to deliver to all clients any papers or property to which they are entitled.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Moore may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

JAMES THOMAS NEAL, BPR #6838 HAMILTON COUNTY

On March 1, 2018, the Supreme Court of Tennessee temporarily suspended James Thomas Neal from the practice of law upon finding that Mr. Neal misappropriated funds and poses a threat of substantial harm to the public. Mr. Neal also represented a client in a medical malpractice case that was dismissed. Instead of telling the client that the case had been dismissed, he falsely stated that the case had settled and gave the client a worthless check for the client's share of the fictitious settlement. 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 or otherwise posing a threat of substantial harm to the public.

Mr. Neal is immediately precluded from accepting any new cases, and he must cease representing existing clients by March 31, 2018. After March 31, 2018, Mr. Neal shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Neal 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. Neal is required to deliver to all clients any papers or property to which they are entitled.

Mr. Neal must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 12.3(d), regarding the obligations and responsibilities of temporarily suspended attorneys and the procedure for reinstatement.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Neal may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

GREGORY SCOTT NORRIS, BPR #34373 CARTER COUNTY

On January 26, 2018, the Supreme Court of Tennessee temporarily suspended Gregory Scott Norris from the practice of law upon finding that Mr. Norris 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 if an attorney poses a threat of substantial harm to the public.

TEMPORARY SUSPENSIONS (continued)

Mr. Norris is immediately precluded from accepting any new cases, and he must cease representing existing clients by February 28, 2018. After February 28, 2018, Mr. Norris shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Norris 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. Norris is required to deliver to all clients any papers or property to which they are entitled.

Mr. Norris must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 12.3(d), regarding the obligations and responsibilities of temporarily suspended attorneys and the procedure for reinstatement.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Norris may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

PATRICK BROCKLIN PARKS, BPR #20930 DAVIDSON COUNTY

Effective January 10, 2018, the Supreme Court of Tennessee temporarily suspended Patrick Brocklin Parks from the practice of law, pursuant to Supreme Court Rule 9, Section 12.3, upon finding Mr. Parks misappropriated funds and poses a threat of substantial harm to the public.

Mr. Parks is immediately precluded from accepting any new cases, and he must cease representing existing clients by February 9, 2018. After February 9, 2018, Mr. Parks shall not engage in the practice of law; use any indicia of lawyer, legal assistant, or law clerk; or maintain a presence where the practice of law is conducted.

Mr. Parks 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 and shall deliver to all clients any papers or property to which they are entitled.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Parks may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

KEISHA MOSES RICHARDSON, BPR #26492 SHELBY COUNTY

On January 26, 2018, the Supreme Court of Tennessee temporarily suspended Keisha Moses Richardson from the practice of law upon finding that Ms. Richardson failed to comply with a Supreme Court Order requiring participation in an evaluation. Pursuant to the Order, failure to comply with the Order may serve as the basis for temporary suspension pursuant to Tenn. Sup. Ct. R. 9, § 12.3.

TEMPORARY SUSPENSIONS (continued)

Ms. Richardson is immediately precluded from accepting any new cases, and she must cease representing existing clients by February 25, 2018. After February 25, 2018, Ms. Richardson shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

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

Ms. Richardson must comply with the requirements of Tennessee Supreme Court Rule 9, §§ 28 and 12.3(d), regarding the obligations and responsibilities of temporarily suspended attorneys and the procedure for reinstatement.

This suspension remains in effect until dissolution or modification by the Supreme Court. Ms. Richardson may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

ELIZABETH CATHERINE VELASQUEZ, BPR #28884 SEVIER COUNTY

On November 3, 2017, the Supreme Court of Tennessee temporarily suspended Elizabeth Catherine Velasquez from the practice of law upon finding that Ms. Velasquez 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.

Ms. Velasquez is immediately precluded from accepting any new cases, and she must cease representing existing clients by December 3, 2017. After December 3, 2017, Ms. Velasquez shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

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

This suspension remains in effect until dissolution or modification by the Supreme Court. Ms. Velasquez may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

PUBLIC CENSURES

JOHN STEPHEN ANDERSON, BPR #12367 HAWKINS COUNTY

On January 11, 2018, John Stephen Anderson, 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)

A client hired Mr. Anderson to represent her in a car accident. Though Mr. Anderson filed a lawsuit, he did not timely serve process on the defendant. For three years, Mr. Anderson falsely told his client he was in the process of trying to settle the case. The lawsuit was dismissed by the court.

By these acts, Mr. Anderson, is in violation of Rules 1.1 (competence), 1.3 (diligence), 1.4 (communication), 1.16 (termination of representation), 3.2 (expediting litigation), 8.1 (disciplinary matters), 8.4(c) (conduct involving dishonesty), and 8.4(d) (prejudice to the administration of justice) of the Rules of Professional Conduct. Because Mr. Anderson has received prior public discipline for similar conduct during the same time period, he is hereby publicly censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

PAUL FORREST CRAIG, BPR #18359 ***SHELBY COUNTY***

On October 12, 2017, Paul Forrest Craig, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Craig represented a client in a probate matter. He was not retained to represent the client on appeal. Nevertheless, Mr. Craig received and signed for notices from the Court of Appeals, which he essentially disregarded. In addition, he failed to comply with a court order dated November 30, 2016, requiring him to provide information about his representation and failed to comply with a show cause order dated January 23, 2017.

By the aforementioned acts, Paul Forrest Craig, has violated Rule of Professional Conduct 3.4(c) (disobey rules of tribunal) and 8.4(d) (conduct prejudicial to administration of justice) and is hereby Publicly Censured for this violation.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

RICKY A. W. CURTIS, BPR #19761 ***SULLIVAN COUNTY***

On October 17, 2017, Ricky A. W. Curtis, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

In April 2016, Mr. Curtis timely filed a notice of appeal for a client seeking to appeal a criminal sentence. Mr. Curtis did not file a brief in the matter. The court entered an order giving Mr. Curtis 20 days to file the brief. Mr. Curtis received this order, but did not file a brief. The court then ordered Mr. Curtis to appear on a motion for contempt. Mr. Curtis appeared at the contempt hearing. On February 23, 2017, the court found that Mr. Curtis willfully failed to follow court rules and orders and was in contempt of court.

PUBLIC CENSURES (continued)

Mr. Curtis' failure to file a brief for his client, or to withdraw from the representation, is in violation of Rules 1.3 (diligence), 3.4(c) (fairness to opposing party and counsel) and 8.4(d) (prejudice to the administration of justice) of the Rules of Professional Conduct, and he is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

JOHN EDWARD DUNLAP, BPR #13223 SHELBY COUNTY

On January 19, 2018, John Edward Dunlap, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Dunlap represented a client in a bankruptcy which was dismissed for failure to provide documentation. Mr. Dunlap failed to respond to his client's requests for information for two months.

In another client matter, Mr. Dunlap received a personal injury settlement for his client which he properly held in his trust account. Thereafter, the client passed away. The probate court ordered Mr. Dunlap to release a portion of the funds to pay a subrogation claim. Mr. Dunlap mistakenly believed that he distributed the subrogation funds. Over two years later, the third party filed a lawsuit to collect the funds, and Mr. Dunlap remitted payment.

By these acts, Mr. Dunlap, has violated Rules of Professional Conduct 1.4 (communication), Rule 1.1 (competence), and Rule 1.15 (safekeeping property) and is hereby Publicly Censured for these violations. A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

JEFRE SCOT GOLDTRAP, BPR #18668 DAVIDSON COUNTY

On January 22, 2018, Jefre Scot Goldtrap, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Goldtrap failed to prepare written discovery requests on behalf of his client despite the client's requests on a number of occasions for Mr. Goldtrap to take such course of action. Mr. Goldtrap also failed to adequately communicate with his client about the status of his case and the status of attorney fees which had accumulated during the course of the representation. Mr. Goldtrap's billing invoice, which included only four (4) entries over a six (6) month period, was inadequate and billed for time which should not have been billed.

By these acts, Jefre Scot Goldtrap has violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.5 (fees), and 3.2 (expediting litigation), and is hereby Publicly Censured for these violations.

PUBLIC CENSURES (continued)

CARTER C. HITT ***MISSISSIPPI***

On October 12, 2017, Carter C. Hitt, an attorney licensed to practice law in Mississippi, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Hitt, who is not licensed to practice law in Tennessee, collected a fee from a client for representation in a breach of contract and personal injury action which arose in Tennessee. Mr. Hitt failed to limit the scope of his representation to only non-litigation matters, failed to diligently represent his client, and did not adequately communicate with his client. Mr. Hitt also drafted and filed a pleading in a Tennessee court which was purported to have been filed *pro se* by his client. Mr. Hitt's actions were deceptive to the court and constituted the unauthorized practice of law.

By these acts, Carter C. Hitt has violated Rules of Professional Conduct 1.2 (scope of representation), 1.3 (diligence), 1.4 (communication), 3.3 (candor toward tribunal), 5.5 (unauthorized practice of law), and 8.4(a) and (c) (misconduct), and is hereby Publicly Censured for these violations.

MARTI LEE KAUFMAN, BPR #11555 ***SHELBY COUNTY***

On January 19, 2018, Marti Lee Kaufman, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Ms. Kaufman practiced law for seven business days after her law license was administratively suspended for non-compliance with continuing legal education requirements.

By these acts, Ms. Kaufman is in violation of Rule 5.5 (unauthorized practice of law) of the Rules of Professional Conduct and is hereby Publicly Censured for these violations.

BRANDY MURPHY LEE ***ALABAMA***

On October 12, 2017, Brandy Murphy Lee, an attorney licensed to practice law in Alabama, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Ms. Lee committed several violations of the Tennessee pro hac vice rules (Tennessee Supreme Court Rule 9, Section 19) during her representation of a client to include: practicing before certain tribunals without permission or approval, filing pleadings without the signature of her local counsel, and practicing for a period in excess of two years after her pro hac vice status had expired.

By these acts, Brandy Murphy Lee has violated Rules of Professional Conduct 3.4(c) (disobedience of an obligation under rules of a tribunal) and 5.5 (unauthorized practice of law), and is hereby Publicly Censured for these violations.

PUBLIC CENSURES (continued)

BARRY KEITH MAXWELL, BPR #9572 MONROE COUNTY

On January 8, 2018, 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.

Mr. Maxwell commingled personal funds into his client trust account and improperly utilized the account for his own benefit by using the funds to pay his personal expenses. In mitigation, Mr. Maxwell ceased practicing law and no longer held client funds in the account when he deposited his personal funds therein. By these acts, Barry Keith Maxwell has violated Rule of Professional Conduct 1.15 (safekeeping property) and is hereby Publicly Censured for this violation.

JOHN R. MELDORF, BPR #4832 HAMILTON COUNTY

On October 12, 2017, John R. Meldorf, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Meldorf represented the wife who was awarded attorney fees from her husband in the final decree of divorce. At the conclusion of the divorce, the wife owed Mr. Meldorf a small balance for his fees. The ex-husband subsequently filed bankruptcy and listed Mr. Meldorf as creditor instead of his ex-wife. Mr. Meldorf collected funds as a creditor from the bankruptcy trustee even though such funds were properly owed to his former client. He failed to promptly notify his former client upon receipt of such funds and paid himself fees owed by the former client without her knowledge or consent.

By these acts, John R. Meldorf has violated Rules of Professional Conduct 1.15(d) and (e) (safekeeping property) and is hereby Publicly Censured for these violations.

TESHAUN DAVID MOORE, BPR #27816 SHELBY COUNTY

On January 22, 2018, TeShaun David Moore of Shelby County, Tennessee, was publicly censured by Order of the Tennessee Supreme Court. The Court further ordered Mr. Moore to pay restitution to his client and to pay costs and expenses to the Board of Professional Responsibility.

On February 2, 2017, a Petition for Discipline containing one (1) complaint was filed against Mr. Moore. Prior to the final hearing, Mr. Moore executed a conditional guilty plea acknowledging he unreasonably delayed retaining an expert, failed to notify his client of the motion hearing date, failed to consult with the client prior to entering a nonsuit of the case, and unreasonably delayed notifying his client of the dismissal of the case without prejudice. Mr. Moore's conduct violated Rules of Professional Conduct 1.2 (scope of representation), 1.3 (diligence), 1.4 (communication), 1.5 (fees), and 3.2 (expediting litigation).

For these violations, the Supreme Court of Tennessee publicly censured Mr. Moore. A public censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

PUBLIC CENSURES (continued)

ROBERT HAMM MOYER, BPR #13664 CLARKSVILLE

On January 10, 2018, Robert Hamm Moyer, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Moyer engaged in a pattern of collecting partial fees from clients in Chapter 7 bankruptcy proceedings and requiring the clients to make installment payments on the remainder of his fees after bankruptcy petitions had been filed. Mr. Moyer failed to advise his clients that they had no legal obligation to pay the remainder of his fees after their bankruptcy petitions were filed. In certain cases, when clients failed to comply with their installment payments, Mr. Moyer filed civil actions against them after their debts were discharged in bankruptcy in violation of federal law. Additionally, in his collections actions, Mr. Moyer requested a one-third attorney fee above and beyond the amount alleged to be owed while acting in a *pro se* capacity.

By these acts, Robert Hamm Moyer has violated Rules of Professional Conduct 1.1 (competence), 1.4 (communication), 1.5 (fees), 1.7 (conflict of interest), 1.9 (duties to former clients), 3.1 (meritorious claims), and 8.4 (a) and (d) (misconduct), and is hereby Publicly Censured for these violations.

JAMES HENRY PRICE, BPR #16254 KNOX COUNTY

On March 22, 2018, James H. Price, an attorney licensed to practice in Tennessee, received a Public Censure from the Tennessee Supreme Court.

Mr. Price undertook the representation of two (2) long-time debtor clients in a complex Chapter 11 bankruptcy proceeding in the Eastern District of Tennessee during which the Bankruptcy Court found he failed to follow Federal Rules of Bankruptcy Procedure and Local Rules and Administrative Procedures, and failed to disclose potential conflicts of interest, which the Bankruptcy Court detailed in an Order and Memorandum Opinion entered September 30, 2015.

Mr. Price executed a conditional guilty plea acknowledging the Bankruptcy Court's findings and his conduct violated Rules of Professional Conduct 1.1 (competence), 1.7 (conflict of interest) and 8.4 (a) (violate or attempt to violate the Rules of Professional Conduct). Accordingly, Mr. Price is hereby publicly censured for his misconduct.

JAMES DIMMETT PURPLE, BPR #9833 CHATTANOOGA

On October 12, 2017, James Dimmett Purple, 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 diligently represent or adequately communicate with a client who had retained him in a quiet title action. Mr. Purple filed the quiet title action without naming essential parties and failed to amend

PUBLIC CENSURES (continued)

the petition at the request of his client unless additional fees and costs were paid to him. Mr. Purple also filed pleadings that named parties in the style of the case when such parties were never included in the petition. Mr. Purple failed to take corrective action with the court after such defect was made known to him and while the case remained pending.

By these acts, James Dimmett Purple has violated Rules of Professional Conduct 1.1 (competence), 1.2 (scope of representation), 1.3 (diligence), 1.4 (communication), and 3.3 (candor toward tribunal), and is hereby Publicly Censured for these violations.

ARCHIE SANDERS, III, BPR #12784 SHELBY COUNTY

On October 17, 2017, Archie Sanders, III, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court. In July of 2010, Mr. Sanders was hired to represent his client in a labor dispute against his former employer. Mr. Sanders did not file a lawsuit until June of 2013. Court records reveal that Mr. Sanders failed to respond to discovery requests for two years, and during that time took no action to move the case forward, thereby allowing his client's case to needlessly languish.

By the aforementioned acts, Archie Sanders, III, has violated Rule of Professional Conduct 1.3 (diligence), 1.4 (communication), and 3.2 (expediting litigation) and is hereby Publicly Censured for this violation.

JOHN NICHOLS SHELTON, BPR #19592 FRANKLIN COUNTY

On September 29, 2017, John Nichols Shelton, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Shelton failed to obtain approval from his client before filing pleadings and misrepresented to the court that a document attached to the pleadings had been filed in another court. Mr. Shelton also failed to diligently represent his client's interests and failed to adequately communicate with his client. In mitigation, Mr. Shelton provided a full refund to the client and expressed remorse for his actions.

By these acts, John Nichols Shelton has violated Rules of Professional Conduct 1.2 (scope of representation), 1.3 (diligence), 1.4 (communication), 3.3 (candor toward tribunal), and 8.4(c) (misconduct), and is hereby Publicly Censured for these violations.

AL H. THOMAS, BPR #8846 SHELBY COUNTY

On January 11, 2018, Al H. Thomas, 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)

Mr. Thomas was surety for the payment of court costs in a civil action. When the court costs remained unpaid after the dismissal of the client's lawsuit, the Court entered an order requiring Mr. Thomas to appear and show cause, if any, why judgment should not be entered for payment of the costs. Mr. Thomas failed to appear before the Court or provide notice that he was unable to appear.

By these acts, Al H. Thomas has violated Rules of Professional Conduct 3.4(c) (knowing disobedience of an obligation under the rules of a tribunal), and 8.4(d) (conduct prejudicial to the administration of justice), and is hereby Publicly Censured for these violations.

CHRISTOPHER P. WESTMORELAND, BPR #24789 BEDFORD COUNTY

On October 17, 2017, Christopher P. Westmoreland, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court. A client hired Mr. Westmoreland to represent him on a petition to change custody. The court entered an order in August 2016, restricting the client to supervised visitation. The client was aware of the ruling. Mr. Westmoreland mailed the client a copy of the order, but the client did not receive it. By email in September, November and December 2016, the client asked Mr. Westmoreland for a copy of the order. Mr. Westmoreland resent the order to the client in mid-December 2016. Mr. Westmoreland's conduct is in violation of Rule 1.4 (communication).

In March 2016, another client hired Mr. Westmoreland to represent him in a workers' compensation matter. A few months later, Mr. Westmoreland intended to withdraw from the representation, but did not do so. The court entered orders in July and September 2016 ordering Mr. Westmoreland's client to respond to discovery. The client was not aware of these orders and the discovery was not completed. The case was dismissed as a discovery sanction in November 2016.

By these acts, Mr. Westmoreland is in violation of Rules 1.4 (communication), 1.3 (diligence), 3.4(c) (fairness to opposing party), and 8.4(d) (prejudice to the administration of justice) of the Rules of Professional Conduct and is hereby Publicly Censured for these violations.

DISABILITY INACTIVE

ANTHONY ADGENT, BPR #16411 DAVIDSON COUNTY

By Order of the Tennessee Supreme Court entered December 7, 2017, the law license of Anthony Adgent was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Adgent 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.

DISABILITY INACTIVE (continued)

ERICH WEBB BAILEY, BPR #32614
DAVIDSON COUNTY

By Order of the Tennessee Supreme Court entered October 27, 2017, the law license of Erich Webb Bailey was transferred to disability inactive status pursuant to Section 27.4 of Tennessee Supreme Court Rule 9.

Mr. Bailey 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.

FRANCIS DUNCAN GIBSON, III, BPR #1054
BLOUNT COUNTY

By Order of the Tennessee Supreme Court entered January 11, 2018, the law license of Francis Duncan Gibson, III was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Gibson 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.

GEORGE GRIFFIN BOYTE, SR., BPR #8742
GIBSON COUNTY

By Order of the Tennessee Supreme Court entered December 19, 2017, the law license of George Griffin Boyte, Sr., was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Boyte 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.

KEITH LANE EDMISTON, BPR #18366
KNOX COUNTY

By Order of the Tennessee Supreme Court entered December 15, 2017, the law license of Keith Lane Edmiston was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Edmiston 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.

DISABILITY INACTIVE (continued)

DAVID DWAYNE HARRIS, BPR #32607
DAVIDSON COUNTY

By Order of the Tennessee Supreme Court entered November 17, 2017, the law license of David Dwayne Harris was transferred to disability inactive status for an indefinite period. The Court referred the matter to a hearing panel for a formal hearing to determine Mr. Harris's capacity to continue to practice law and to respond to or defend against disciplinary complaints.

Mr. Harris 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.

HUGH C. HOWSER, BPR #2415
DAVIDSON COUNTY

By Order of the Tennessee Supreme Court entered March 9, 2018, the law license of Hugh C. Howser was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Howser 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.

WILLIS B. JACKSON, JR., BPR #601
KNOX COUNTY

By Order of the Tennessee Supreme Court entered March 8, 2018, the law license of Willis B. Jackson, Jr., was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9. Mr. Jackson is prohibited from practicing law while on disability inactive status. Mr. Jackson 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.

NATHANIEL H. KOENIG, BPR #10252
DAVIDSON COUNTY

By Order of the Tennessee Supreme Court entered March 2, 2018, the law license of Nathaniel H. Koenig was transferred to disability inactive status pursuant to Section 27.4 of Tennessee Supreme Court Rule 9.

Mr. Koenig 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.

DISABILITY INACTIVE (continued)

JAMES JOSEPH MONTAGUE, JR., BPR #7061
KNOX COUNTY

By Order of the Tennessee Supreme Court entered December 1, 2017, the law license of James Joseph Montague, Jr., was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Montague 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.

DOUGLAS BARNET PARKER, BPR #2345
MONTGOMERY COUNTY

By Order of the Tennessee Supreme Court entered March 23, 2018, the law license of Douglas Barnet Parker was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Parker 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.

SADIA SEXTON STATON, BPR #13413
GIBSON COUNTY

By Order of the Tennessee Supreme Court entered December 1, 2017, the law license of Sadia Sexton Staton was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Ms. Staton 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.

GEORGANNE BROWN TAYLOR, BPR #26999
WASHINGTON COUNTY

By Order of the Tennessee Supreme Court entered December 13, 2017, the law license of Georganne Brown Taylor was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Ms. Taylor 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

LISA ZARZOUR BOWMAN, BPR #17972 ***HAMILTON COUNTY***

Effective March 5, 2018, the Supreme Court of Tennessee reinstated Lisa Zarzour Bowman to the practice of law. Ms. Bowman was suspended by the Supreme Court of Tennessee on January 22, 2018, for a period of one (1) year with a minimum active suspension of thirty (30) days and the remainder served on probation. Ms. Bowman filed a Petition for Reinstatement to the practice of law on February 8, 2018, pursuant to Tennessee Supreme Court Rule 9, Section 30.4(c). The Board determined Ms. Bowman satisfactorily complied with the terms and conditions of her suspension and submitted an Order of Reinstatement to the Court.

S. BRAD DOZIER, BPR #24959 ***WILLIAMSON COUNTY***

On October 13, 2017, the Supreme Court of Tennessee reinstated S. Brad Dozier to the practice of law. Mr. Dozier had been suspended by the Supreme Court of Tennessee on June 20, 2017, for a period of two years, with thirty days active suspension and the remainder on probation subject to conditions. Mr. Dozier filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4(c). The Board found that the Petition was satisfactory and submitted an Order of Reinstatement to the Court. Mr. Dozier will remain on probation until June 20, 2019 during which time he must engage a practice monitor and incur no new complaints.

SCOTT DOUGLAS FLETCHER, BPR #21832 ***ARKANSAS***

Effective January 18, 2018, the Supreme Court of Tennessee reinstated Scott Douglas Fletcher to the practice of law. Mr. Fletcher was suspended for a period of five (5) years by Order of the Arkansas Supreme Court entered September 29, 2011, and Mr. Fletcher's license to practice law in Tennessee was suspended by Order of this Court entered February 23, 2012.

Mr. Fletcher filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4(d). A Hearing Panel recommended Mr. Fletcher's reinstatement after determining he possessed the moral qualifications required for admission to practice law in Tennessee, and his resumption of the practice of law would not be detrimental to the integrity and standing of the bar or the administration of justice, and would not be subversive to the public interest.

BRENNAN PATRICK LENIHAN, BPR #22165 ***KNOX COUNTY***

Brennan Patrick Lenihan has been reinstated to the practice of law by Order of the Tennessee Supreme Court entered February 27, 2018. Mr. Lenihan is ordered to pay the Board's costs in this matter.

Mr. Lenihan was temporarily suspended from the practice of law by Order of the Supreme Court on January 30, 2018, for failing to respond to the Board regarding a complaint of misconduct. On January 31, 2018,

REINSTATEMENTS (continued)

Mr. Lenihan filed a Petition for Dissolution of Temporary Suspension. On February 16, 2018, a Board Panel entered a recommendation that the temporary suspension be dissolved.

ROBERT LEE MARLOW, BPR #9226 BEDFORD COUNTY

On October 9, 2017, the Supreme Court of Tennessee reinstated the law license of Robert Lee Marlow. Mr. Marlow had been temporarily suspended by the Supreme Court of Tennessee on August 25, 2017, for failing to respond to the Board of Professional Responsibility 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. Marlow submitted a response to the Board regarding the complaint of misconduct, and filed a Petition to Dissolve Temporary Suspension on September 1, 2017. A Panel appointed to hear the Petition recommended to the Supreme Court that the temporary suspension be dissolved. Mr. Marlow was ordered to pay costs and expenses of the proceeding.

GEORGE AVERY MOTT, BPR #25039 DAVIDSON COUNTY

On February 8, 2018, the Supreme Court of Tennessee reinstated George Avery Mott to the practice of law. Mr. Mott had been suspended by the Supreme Court of Tennessee on December 27, 2017, for a period of one (1) year, with thirty (30) days to be served as an active suspension and the remaining time on probation. With entry of this Order, Mr. Mott begins the probationary period.

On January 5, 2018, Mr. Mott 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. Mott was eligible for reinstatement to the practice of law. The Order of Reinstatement entered February 8, 2018, was effective upon filing.

JOSEPH BRENT NOLAN, BPR #15237 KNOX COUNTY

On November 21, 2017, the Supreme Court of Tennessee reinstated Joseph Brent Nolan to the practice of law effective immediately. Mr. Nolan had been suspended by the Supreme Court of Tennessee for one year on November 26, 2014, for six months on June 26, 2015, and for one year on June 17, 2016. Mr. Nolan filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4.

A Hearing Panel found that Mr. Nolan complied with the terms and conditions of his suspensions, 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. Nolan's license to practice law. As

REINSTATEMENTS (continued)

conditions of his reinstatement, Mr. Nolan must have a practice monitor for eighteen months, attend an annual review seminar and take four hours of continuing legal education in trust accounting.

Mr. Nolan must pay the costs of the reinstatement proceeding.

MARK L. PITTMAN, BPR #12753 SHELBY COUNTY

On December 19, 2017, the Supreme Court of Tennessee conditionally reinstated Mark L. Pittman to the practice of law. Mr. Pittman had been disbarred by the Supreme Court of Tennessee on May 24, 2006. Mr. Pittman filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4.

A Hearing Panel found that Mr. Pittman complied with the terms and conditions of his disbarment, and further found that he had demonstrated the moral qualifications 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 conditionally reinstated Mr. Pittman's license to practice law. Prior to his reinstatement becoming effective, Mr. Pittman must successfully complete the Tennessee Bar Examination and the Multistate Professional Responsibility Examination in order to demonstrate his competency and learning in the law. As conditions of his reinstatement, Mr. Pittman must have a practice monitor for one year, a Tennessee Lawyers Assistance Program monitoring agreement for one year, and pay \$2,500 to the Tennessee Lawyers Fund for Client Protection.

Mr. Pittman must pay the costs of the reinstatement proceeding.

PAUL JULIUS WALWYN, BPR #18263 DAVIDSON COUNTY

On February 23, 2018, the Supreme Court of Tennessee reinstated Paul Julius Walwyn to the practice of law. Mr. Walwyn had been suspended by the Supreme Court of Tennessee on August 4, 2017, for a period of six (6) months. 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 found that the Petition was satisfactory and submitted an Order of Reinstatement to the Court.

practice law.