



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

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**RELEASE OF INFORMATION**  
**IN RE: DAVID D. JAMES, JR., BPR # 11006**  
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**BOARD OF PROFESSIONAL RESPONSIBILITY**  
**615-361-7500**

July 7, 2005

**FORMER MEMPHIS LAWYER SUSPENDED**

David D. James, Jr., formerly of Memphis and currently residing in Olive Branch, MS, was suspended from the practice of law for one year effective July 10, 2005, by Order of the Tennessee Supreme Court filed on June 30, 2005. James had previously been temporarily suspended from the practice of law on June 16, 2004 for failure to respond to a complaint of misconduct, and on June 23, 2003, the Board placed his law license on inactive status due to his own request.

A petition for discipline was filed by the Board against James on November 2, 2004 alleging that he acknowledged receipt of \$250 in attorney fees from a client in September, 2002 for him to add a creditor to her prior Chapter 7 Bankruptcy. The petition also alleged that James did not file the requested Motion to Reopen the client's bankruptcy matter, but kept the \$250 paid to him. James failed to respond to the petition, and accordingly, a motion for default judgment was filed and granted against him on March 30, 2005.

A hearing on the petition for discipline as to disciplinary sanction was conducted before a Hearing Panel of the Board on March 30, 2005. James did not appear at the hearing. The Hearing Panel in its April 11, 2005 Judgment found that James violated the Code of Professional Responsibility, and the Tennessee Rules of Professional Conduct due to his failure to perform or to communicate with his client, his neglect of her matter, and his apparent misappropriation of the client's fees. The Panel also found that his evading properly addressed certified mail and his failure to cooperate, answer or defend, his indifference to making restitution to the client, and his substantial experience in the practice of law were aggravating circumstances in this case.

The Hearing Panel found that James should be suspended from the practice of law for one year effective 10 days after the date of any Supreme Court order incorporating the Panel's Judgment, and that any reinstatement of his license should be conditioned upon his filing a petition for reinstatement and complying with the conditions imposed in such a reinstatement

proceeding, upon his obtaining dissolution from the Supreme Court of the June 16, 2004 temporary suspension order, and upon his obtaining a return to active status from the Supreme Court if his law license remains inactive for five (5) years.

The Tennessee Supreme Court incorporated the April 11, 2005 Judgment of the Hearing Panel in its June 30, 2005 suspension order.

The suspension will remain in effect until an Order of Reinstatement, if any, is issued by the Tennessee Supreme Court. Reinstatement would be granted only if James demonstrates by clear and convincing evidence that he has the moral qualifications, competency, and learning required for admission to the practice of law and that his resumption of practice would not be detrimental to the integrity and standing of the bar or administration of justice or subversive to the public interest.

The Order requires James to pay the costs of the disciplinary proceeding as a condition to being reinstated to the practice of law.

James 1474-9 rel.doc