



**BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**

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RELEASE OF INFORMATION
RE: SCOTT DAVID JOHANNESSEN, BPR #026767
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BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

October 13, 2020

DAVIDSON COUNTY LAWYER CENSURED

On October 12, 2020, Scott David Johannessen, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Johannessen is the sole member of a limited liability company, and that company is a member of another company called FYI. On March 2, 2018, Mr. Johannessen was appointed by resolution as the attorney for FYI for particular issues. On October 15, 2018, Mr. Johannessen hired an attorney and filed an involuntary bankruptcy petition against FYI in his role as the sole member of the other limited liability company. On October 16, 2018, Mr. Johannessen then filed a notice of appearance in the bankruptcy proceeding, as a *pro se* creditor of FYI, alleging that there was a debt FYI owed him personally. The bankruptcy of FYI was later dismissed.

Mr. Johannessen's filing of an involuntary bankruptcy petition against FYI, in his role as the sole member of a limited liability company, after a resolution had been passed naming him as FYI's attorney created a significant risk that the representation of his client would be materially limited by his interest as sole member of the other company. Mr. Johannessen's subsequent notice to also appear on his own behalf in the bankruptcy, against FYI, created a significant risk that his representation of FYI and his personal interest concerning the other company would be materially limited by his personal interest as a creditor against FYI.

By these acts, Scott David Johannessen has violated Rules of Professional Conduct 1.7 (conflict of interest), 8.4(d) (prejudice to the administration of justice) and 1.1 (competence) and is hereby Publicly Censured.

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