

IN DISCIPLINARY DISTRICT V  
OF THE  
BOARD OF PROFESSIONAL RESPONSIBILITY  
OF THE  
SUPREME COURT OF TENNESSEE

IN RE: SCOTT DAVID JOHANNESSEN, #026767  
Respondent, an attorney licensed  
to practice law in Tennessee  
(Davidson County)

FILE NO. 59106-5-ES

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PUBLIC CENSURE

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The above complaint was filed against Scott David Johannessen, an attorney licensed to practice law in Tennessee, alleging certain acts of misconduct. Pursuant to Tenn. Sup. Ct. R. 9, the Board of Professional Responsibility considered these matters at its meeting on September 11, 2020.

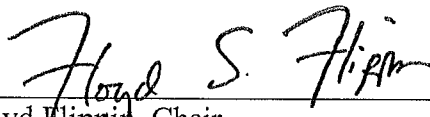
Mr. Johannessen is the sole member of a limited liability company, and that company is a member of another company called FYI. On March 2, 2018, Mr. Johannessen was appointed by resolution as the attorney for FYI for particular issues. On October 15, 2018, Mr. Johannessen hired an attorney and filed 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 the aforementioned 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.

FOR THE BOARD OF  
PROFESSIONAL RESPONSIBILITY

  
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Floyd Flippin, Chair

10-12-70  
\_\_\_\_\_  
Date