



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

10 CADILLAC DRIVE, SUITE 220
BRENTWOOD, TENNESSEE 37027
TELEPHONE: (615) 361-7500
(800) 486-5714
FAX: (615) 367-2480
E-MAIL: ethics@tbpr.org
Website: www.tbpr.org

RELEASE OF INFORMATION
RE: EDWARD KINDALL, BPR #5952
CONTACT: ALAN D. JOHNSON
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

December 27, 2013

DAVIDSON COUNTY LAWYER SUSPENDED

On December 26, 2013, Edward Kindall, of Nashville, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court for one (1) year, retroactive to May 12, 2013, the date he was transferred from Disability Inactive Status to Active Status. He must consult with the Tennessee Lawyers Assistance Program, refund a partial fee to a client, and pay the Board of Professional Responsibility's costs and expenses within ninety days of the entry of the Order of Enforcement.

A Petition for Discipline was filed on November 17, 2009, alleging that Mr. Kindall failed to supervise a non-lawyer employee who was engaging in the unauthorized practice of law and misusing Mr. Kindall's trust accounts. Because Mr. Kindall was not appropriately supervising the non-lawyer employee, she was able to engage in transactions that created conflicts of interest and that abused her authority as a representative of Mr. Kindall. Upon learning of the non-lawyer employee's conduct Mr. Kindall paid restitution to the clients that were injured.

Mr. Kindall failed to establish internal policies and procedures designed to provide reasonable assurance that his non-lawyer assistant acted in a way compatible with the Rules of Professional Conduct, and failed to properly supervise the non-lawyer's activities. Mr. Kindall entered into a Conditional Guilty Plea admitting to the misconduct.

Mr. Kindall's actions violated Rules of Professional Conduct 1.8 (conflict of interest); 1.15 (safekeeping property); 5.3 (responsibilities regarding non-lawyer assistants); 5.5 (unauthorized practice of law), and 8.4 (misconduct).

Mr. Kindall must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 18 and 19, regarding the obligations and responsibilities of suspended attorneys.

Kindall 1855-5 rel.doc

PLEASE NOTE

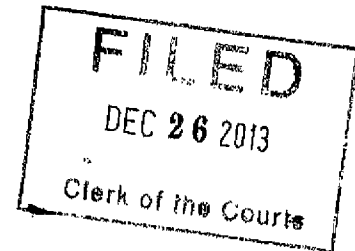
YOU MAY SUBSCRIBE TO RECEIVE INFORMATIONAL RELEASES, FORMAL ETHICS OPINIONS, NEWSLETTERS AND ANNUAL REPORTS ELECTRONICALLY BY SIGNING IN AT THE BOARD'S WEBSITE

www.tbpr.org/Subscriptions

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: EDWARD KINDALL, BPR# 5952
An Attorney Licensed to Practice Law in Tennessee
(Davidson County)

No. M2013-02825-SC-BAR-BP
BOPR No. 2009-1855-5-KH



ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Edward Kindall on November 17, 2009; upon Answer to Petition for Discipline filed by Mr. Kindall on December 1, 2009; upon a Supplemental Petition for Discipline filed on March 31, 2010; upon Answer to Supplemental Petition for Discipline filed on April 23, 2010; upon Mr. Kindall being transferred to Disability Inactive Status on May 27, 2010; upon Mr. Kindall being reinstated to Active Status on May 13, 2013; upon entry of a Conditional Guilty Plea filed by Mr. Kindall on November 12, 2013; upon an Order Recommending Approval of Conditional Guilty Plea entered on November 14, 2013; upon consideration and approval by the Board on December 6, 2013; and upon the entire record in this cause.

From all of which the Court approves the Order of the Hearing Panel and adopts the Hearing Panel's Order Recommending Approval of Conditional Guilty Plea as the Court's Order.

It is, therefore, ordered, adjudged and decreed by the Court that:

- (1) Edward Kindall is suspended for one (1) year, retroactive to May 13, 2013, pursuant to Tenn. Sup. Ct. R. 9, § 4.2, subject to the following conditions:
 - (a) Mr. Kindall shall comply with recommendations of Tennessee Lawyer's Assistance Program ("TLAP");

(b) Mr. Kindall shall re-fund a partial fee in the amount of \$500.00 to David Sulaiman as a condition precedent to reinstatement.

(2) Additionally, Mr. Kindall shall comply in all aspects with Tenn. Sup. Ct. R. 9, § 18 and § 19 regarding the obligations and responsibilities of suspended attorneys.

(3) Pursuant to Tenn. Sup. Ct. R. 9, § 18.5, this Order shall be effective ten (10) days after the date of entry.

(4) Pursuant to Tenn. Sup. Ct. R. 9, § 24.3, Mr. Kindall shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$975.00 and shall pay to the Clerk of this Court the costs incurred herein within ninety (90) days of the entry of this Order, for all of which execution may issue if necessary.

(5) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 18.10.

FOR THE COURT:

Cornelia A. Clark
CORNELIA A. CLARK, JUSTICE