



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

IN RE: James Edwin Kirby, #006160
Respondent, an attorney licensed
to practice law in Tennessee
(Davidson County)

File No. 101884-2026-5-SC-INV

PUBLIC CENSURE

The above complaint was filed against James Edwin Kirby, #006160, 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, 2026.

Mr. Kirby agreed to appear for a client on a General Sessions collection action. He failed to confirm that an intended continuance had been entered or to monitor the case, and a default judgment was not discovered until the time for filing a de novo appeal or timely motion to set aside had expired. Mr. Kirby did not respond to the client's communications concerning the judgment. He later filed a motion to set aside outside the ten-day period imposed by Tennessee Code Annotated § 16-15-727(b), without identifying a basis for avoiding the statutory deadline and without consulting the client or obtaining her authorization. Mr. Kirby also failed to communicate the scope or terms of the expanded representation. The default judgment was later set aside, and the case was settled.

By these acts, James Edwin Kirby has violated Rules of Professional Conduct 1.2(a) (allocation of authority between client and lawyer), RPC 1.3 (diligence), 1.4 (communication), 1.5(b) (scope of representation), and 3.1 (meritorious claims and contentions) and is hereby Publicly Censured for these violations.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY



R. Culver Schmid, Chair



Date