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

IN RE: BRADLEY GLENN KIRK, BPR NO. 17100
Respondent, an attorney licensed
to practice law in Tennessee
(Henderson County)

FILE NO. 32370c-7-PS

PUBLIC CENSURE

The above complaint was filed against Bradley Glenn Kirk, an attorney licensed to practice law in Tennessee, alleging certain acts of misconduct. Pursuant to Supreme Court Rule 9, the Board of Professional Responsibility considered these matters at its meeting on December 11, 2009.

In April of 2008, the Complainant retained the Respondent to defend her against five criminal charges, and all of the charges were ultimately dismissed following a trial a year later. The Respondent also represented the Complainant in a federal civil rights lawsuit based on her alleged illegal arrest. The attorney-client relationship began to unravel when the Complainant went against the Respondent's advice and sought to obtain a transcript of the criminal trial. The Respondent feared that the existence of a transcript could lead to the Complainant being charged with perjury, as well as jeopardize the Complainant's civil rights case.

The relationship between the Complainant and the Respondent continued to deteriorate when the Complainant accused the Respondent of being part of a conspiracy against her based on her being held in contempt and the Respondent's advice that she not seek to obtain a transcript of the criminal trial. Therefore, on May 26, 2009, the Respondent sought to withdraw

from the civil rights case. In the affidavit in support of the motion to withdraw, the Respondent informed the court that the Complainant had "conspiracy delusions," that she was a suspect in a federal arson investigation, and that he was concerned about the safety of his family. The court permitted the Respondent to withdraw. The Respondent's allegations regarding the Complainant's mental state were printed in the local newspaper.

The Respondent's actual representation of the Complainant did not run afoul of the Rules of Professional Conduct. However, when the Respondent sought to withdraw from representing the Complainant in the federal civil rights case, the Respondent violated Rule 1.6 by divulging confidential information about the Complainant in his affidavit.

By the aforementioned facts, Bradley Glenn Kirk, has violated Rule of Professional Conduct 1.6 (confidentiality) and is hereby Publicly Censured for this violation.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY

Roger Maness, Chair

1-13-10

Date