



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

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RELEASE OF INFORMATION
RE: PHILIP M. KLEINSMITH, BPR #16987
CONTACT: KRISANN HODGES
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

March 5, 2013

COLORADO LAWYER CENSURED

On March 4, 2013, Philip M. Kleinsmith, an attorney licensed to practice law in Tennessee, received a Public Censure from the Tennessee Supreme Court as a result of the reciprocal discipline imposed by the Supreme Court of Arizona.

On February 15, 2013, the Board of Professional Responsibility filed a petition for reciprocal discipline with the Tennessee Supreme Court after the Supreme Court of Arizona issued Mr. Kleinsmith a public reprimand and placed him on probation for a period of one (1) year, subject to early termination, upon completion of "Ethics School" provided by the Office of Attorney Regulation Counsel of the Colorado Supreme Court. Mr. Kleinsmith successfully complied with the terms of probation, and the probation is now completed.

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

Kleinsmith 2190-0 rel.doc

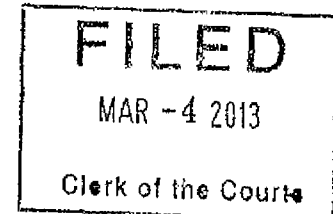
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IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE PHILIP M. KLEINSMITH, BPR #16987
An Attorney Licensed to Practice Law in Tennessee
(Colorado Springs, CO)

No. M2013-00477-SC-BPR-BP
BOPR NO. 2013-2190-0-KH(17)



ORDER

This matter is before the Court upon the Board of Professional Responsibility's Petition for Reciprocal Discipline pursuant to Tenn. Sup. Ct. R. 9, § 17.

On February 21, 2013, the Supreme Court entered a Notice for Mr. Kleinsmith to show cause, if any, why reciprocal discipline of a public reprimand¹ should not be imposed in Tennessee. Mr. Kleinsmith responded to this Notice by filing a Response stating that he does not oppose the imposition of identical discipline by this Court.

By Final Judgment and Order of the Supreme Court of Arizona, No. PDJ-2012-9019, entered March 20, 2012, Mr. Kleinsmith received a reprimand and was placed on probation for a period of one (1) year, subject to early termination, upon completion of "Ethics School" provided by the Office of Attorney Regulation Counsel of the Colorado Supreme Court. On June 18, 2012, the Supreme Court of Arizona entered an Order finding that Mr. Kleinsmith successfully complied with the terms of probation, and the probation is now completed.

Therefore, after consideration of the entire file, the Court is of the opinion that the Petition is well taken and the reciprocal discipline of a public censure is approved. Further, the Court notes that since the requirements of the probation were completed on June 18, 2012, it is unnecessary to impose the equivalent requirement in Tennessee.

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

(1) Philip M. Kleinsmith is hereby publicly censured pursuant to Tenn. Sup. Ct. R. 9, § 4.4 for his conduct in violation of the Arizona Rules of Professional Conduct,

¹ In Tennessee, a public censure is equivalent to a public "reprimand". See *Tenn. Sup. Ct. R. 9, § 4.4* and *ABA Standards for Imposing Lawyer Discipline, 2.5*.

as similarly imposed by Final Judgment and Order of the Supreme Court of Arizona in case number PDJ-2012-9019. A copy of the Order of the Supreme Court of Arizona is attached to this Order as Exhibit A.

(2) Pursuant to Tenn. Sup. Ct. R. 9, Section 24.3, Mr. Kleinsmith shall reimburse and pay to the Board of Professional Responsibility the costs and expenses of this proceeding in the amount of \$200.00; and in addition, 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.

(3) The Board of Professional Responsibility shall cause notice of this public censure to be published in accordance with Tenn. Sup. Ct. R. 9, § 18.10.

FOR THE COURT:

Cornelia A. Clark
CORNELIA A. CLARK, JUSTICE

BEFORE THE PRESIDING DISCIPLINARY JUDGE
OF THE SUPREME COURT OF ARIZONA

OFFICE OF THE
PRESIDING DISCIPLINARY JUDGE
SUPREME COURT OF ARIZONA

MAR 20 2012

IN THE MATTER OF AN ACTIVE
MEMBER OF THE STATE BAR OF
ARIZONA,

Philip M. Kleinsmith
Bar No. 012775

Respondent.

PDJ-2012-

9019
BY

FILED



FINAL JUDGMENT AND ORDER

No. 11-2745

The undersigned Presiding Disciplinary Judge of the Supreme Court of Arizona, having reviewed the Agreement for Discipline by Consent filed on March 5, 2012, pursuant to Rule 57(a), Ariz. R. Sup. Ct., hereby accepts the parties' proposed agreement. Accordingly:

IT IS HEREBY ORDERED that Respondent, **Philip M. Kleinsmith**, is hereby Reprimanded for his conduct in violation of the Arizona Rules of Professional Conduct, as outlined in the consent documents.

IT IS FURTHER ORDERED that, Respondent be placed on probation for a period of one year, subject to early termination, upon completion of, and payment for, "Ethics School" provided by the Office of Attorney Regulation Counsel of the Colorado Supreme Court.

NON-COMPLIANCE LANGUAGE

In the event that Respondent fails to comply with any of the foregoing probation terms, and information thereof is received by the State Bar of Arizona, Bar Counsel shall file a notice of noncompliance with the Presiding Disciplinary Judge, pursuant to Rule 60(a)(5), Ariz. R. Sup. Ct. The Presiding Disciplinary Judge may conduct a hearing within 30 days to determine whether a term of

probation has been breached and, if so, to recommend an appropriate sanction. If there is an allegation that Respondent failed to comply with any of the foregoing terms, the burden of proof shall be on the State Bar of Arizona to prove noncompliance by a preponderance of the evidence.

IT IS FURTHER ORDERED that Respondent shall be subject to any additional terms imposed by the Presiding Disciplinary Judge as a result of reinstatement hearings held.

IT IS FURTHER ORDERED that Respondent pay the costs and expenses of the State Bar of Arizona in the amount of \$ 1,200.00.

IT IS FURTHER ORDERED that Respondent shall pay the costs and expenses incurred by the disciplinary clerk and/or Presiding Disciplinary Judge's Office in connection with these disciplinary proceedings in the amount of \$0.

DATED this 20 day of March, 2012.



The Honorable William J. O'Neil
Presiding Disciplinary Judge

Original filed with the Disciplinary Clerk
of the Office of the Presiding Disciplinary Judge
of the Supreme Court of Arizona
this 20th day of March, 2012.

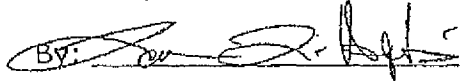
Copies of the foregoing mailed/emailed
this 20th day of March, 2012, to:

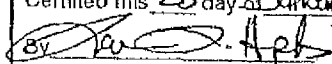
Philip M. Kleinsmith
Kleinsmith & Associates PC
6035 Erin Park Drive,
Suite 203
Colorado Springs, Colorado 80918-5411
Email: Klein@Kleinsmithlaw.com
Respondent

Copy of the foregoing hand-delivered/emailed
this 20th day of March, 2012, to:

Hunter F. Perlmeter
Staff Bar Counsel
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, Arizona 85016-6288
Email: lro@staff.azbar.org

Lawyer Regulation Records Manager
State Bar of Arizona
4201 North 24th Street, Suite 200
Phoenix, Arizona 85016-6288

By: 

The foregoing instrument is a full, true, and
correct copy of the original on file in this office.
Certified this 23rd day of January, 2013
By: 
Disciplinary Clerk
Supreme Court of Arizona