

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

IN RE: RUSSELL LEE LEONARD, #014191
Respondent, an attorney licensed
to practice law in Tennessee
(Franklin County)

FILE NO. 59973-4-ES

PUBLIC CENSURE

The above complaint was filed against Russell L. Leonard, 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 13, 2019.

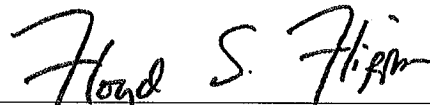
Mr. Leonard represented three clients in a dispute against a man they alleged was acting as a real estate agent without a license. In December 2014, the civil matter was settled, with Mr. Leonard's clients signing a settlement agreement and release. In January 2015, Mr. Leonard filed a written complaint with the Tennessee Real Estate Commission against the civil defendant, but he did so in the names of his three clients, including their affidavits, and not including his own name or signature. Mr. Leonard sent a cover letter to the Real Estate Commission noting that his clients had asked him to file this complaint. In reality, Mr. Leonard's clients were not aware he had filed the complaint and did not authorize him to do so.

The civil defendant was assessed a fine by the Real Estate Commission for his conduct. Thereafter, he filed a civil lawsuit against Mr. Leonard and the three clients individually, alleging that the filing of the real estate disciplinary complaint was in violation of the settlement agreement and release the clients had executed in December 2014. The trial court found in favor of the

plaintiff, and entered a judgment against Mr. Leonard and his clients, jointly and severally, in the amount of \$20,000, for the fine the plaintiff had to pay to the Real Estate Commission and for his attorney fees. The judgment was affirmed on appeal and remanded for additional attorney fees on appeal.

Mr. Leonard's conduct in filing a disciplinary complaint with the Real Estate Commission against a former adverse party, in the name of his clients, with affidavits of his clients only and not himself, when the clients did not authorize him to do so, is in violation of Rule of Professional Conduct 1.2 (scope of representation) and 8.4(d) (prejudice to the administration of justice) and resulted in significant harm to his clients. Mr. Leonard is hereby publicly censured for this conduct.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY



Floyd S. Flippin, Chair

10-10-19

Date