



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

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RELEASE OF INFORMATION
RE: STEPHEN F. LIBBY, #015542
CONTACT: EILEEN BURKHALTER SMITH
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

October 14, 2019

SHELBY COUNTY LAWYER CENSURED

On October 11, 2019, Stephen F. Libby, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Libby represented a client in a car accident matter in which he understood the client to have suffered relatively minor temporary injuries. Due to an office scheduling error, Mr. Libby missed the statute of limitations for filing a lawsuit for his client. Though he discovered the error within a few weeks, Mr. Libby did not tell the client of the error for one year. Mr. Libby failed to respond to multiple inquiries from the client about whether the lawsuit had been filed. After informing the client of the error, Mr. Libby made a settlement offer to his client without complying with Rule 1.8 (a) (conflict of interest), including advising his client in writing to seek the advice of counsel. In mitigation, the client had a civil remedy for Mr. Libby's error which she pursued.

By these acts, Mr. Libby has violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.8 (conflict of interest, specific rules), 8.4(c) (conduct involving misrepresentation), and 8.4(d) (prejudice to the administration of justice), and he is hereby publicly censured.

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

Libby 46719-9 rel.doc

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

IN RE: STEPHEN F. LIBBY, #015542
Respondent, an attorney licensed
to practice law in Tennessee
(Shelby County)

FILE NO. 46719-9-ES

PUBLIC CENSURE

The above complaint was filed against Stephen F. Libby, 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. Libby represented a client in a car accident matter, in which he understood the client to have suffered relatively minor temporary injuries. Due to an office scheduling error, Mr. Libby missed the statute of limitations for filing a lawsuit for his client. Though he discovered the error within a few weeks, Mr. Libby did not tell the client of the error for one year. Mr. Libby failed to respond to multiple inquiries from the client about whether the lawsuit had been filed. After informing the client of the error, Mr. Libby made a settlement offer to his client without complying with Rule 1.8 (a) (conflict of interest), including advising his client in writing to seek the advice of counsel. In mitigation, the client had a civil remedy for Mr. Libby's error which she pursued.

By the aforementioned acts, Mr. Libby has violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.8 (conflict of interest, specific rules), 8.4(c) (conduct involving misrepresentation), and 8.4(d) (prejudice to the administration of justice), and he is hereby publicly censured.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY

Floyd S. Flippin

Floyd S. Flippin, Chair

10/11/19

Date