

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

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PUBLIC CENSURE

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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*

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Floyd S. Flippin, Chair

10/11/19

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Date