



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

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BRENTWOOD, TENNESSEE 37027
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RELEASE OF INFORMATION
RE: MARCUS ALLEN LIPHAM, BPR #036403
CONTACT: DOUGLAS R. BERGERON
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

July 25, 2022

MADISON COUNTY LAWYER CENSURED

On July 25, 2022, Marcus Allen Lipham, an attorney licensed to practice law in Tennessee, received a Public Censure from Supreme Court of Tennessee conditioned upon payment of fees to the Board of Professional Responsibility.

Mr. Lipham agreed to represent a client in pursuing claims against his homeowner's association board. Mr. Lipham's fee agreement did not adequately specify the scope of representation. Mr. Lipham also failed to deposit his client's unearned fee into his trust account. After undertaking the representation, Mr. Lipham failed to timely investigate the merits of his client's claims or respond promptly to his client's requests for information. Mr. Lipham further delayed in notifying his client that he was declining to file suit. Mr. Lipham entered a Conditional Guilty Plea admitting his conduct violated Tennessee Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4 (communication), 1.5(b) (fees), and 1.15 (safekeeping property and funds).

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

Lipham 3239-7 rel.doc

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
07/25/2022
Clerk of the
Appellate Courts

IN RE: MARCUS ALLEN LIPHAM, BPR NO. 036403
An Attorney Licensed to Practice Law in Tennessee
(Madison County)

No. M2022-00995-SC-BAR-BP
BOPR No. 2022-3239-7-DB

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Marcus Allen Lipham on March 29, 2022; upon entry of a Motion for Default Judgment and that Charges in Petition for Discipline be Deemed Admitted on May 6, 2022; upon an Order for Default Judgment entered by the Hearing Panel on June 15, 2022; upon entry of a Conditional Guilty Plea filed by Mr. Lipham on June 17, 2022; upon an Order Recommending Approval of Conditional Guilty Plea entered on June 29, 2022; upon service of the Order Approving Conditional Guilty Plea on Mr. Lipham by the Executive Secretary of the Board on July 5, 2022; on July 12, 2022, the Board voted to approve the Order Recommending Approval of Conditional Guilty Plea by the Hearing Panel and upon the entire record in this cause.

From all of which, the Court approves the Order Recommending Approval of Conditional Guilty Plea entered by the Hearing Panel on June 29, 2022, and adopts the Hearing Panel's Order Recommending Approval of Conditional Guilty Plea.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED, AND DECREED BY THE COURT THAT:

(1) Marcus Allen Lipham is hereby publicly censured pursuant to Tenn. Sup. Ct. R. 9, § 12.4.

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Lipham shall pay to the Board of Professional Responsibility the expenses and costs incurred to date by the Board in this matter in the amount of \$445.00. In addition, Mr. Lipham shall be assessed \$100.00 for the cost of filing this matter and pay this filing fee to the Board, and shall pay to the Clerk of this Court the court costs incurred herein. All costs, fees, and expenses awarded or assessed herein shall be paid within ninety (90) days of the entry of this Order, for which execution, if necessary, may issue.

(3) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 28.11.

(4) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1, this Order shall be effective upon entry.

PER CURIAM