



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

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RELEASE OF INFORMATION
RE: FLETCHER WHALEY LONG, BPR #18775
CONTACT: A. RUSSELL WILLIS
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

November 15, 2017

MONTGOMERY COUNTY LAWYER DISBARRED

Effective November 15, 2017, the Supreme Court of Tennessee disbarred Fletcher Whaley Long from the practice of law and ordered payment of restitution to four (4) former clients for engaging in conduct involving dishonesty, fraud, deceit and misrepresentation. Mr. Long was previously disbarred by Order of Enforcement entered September 14, 2015.

In the first complaint, Mr. Long received a retainer fee and did not complete the work before his suspension from the practice of law, then misrepresented that another attorney would assume the client's representation. In the second complaint, Mr. Long accepted a fee to represent the client but did not provide the professional services he was hired to complete. In the third complaint, Mr. Long received a refundable fee from his client but failed to file a cause of action within the statute of limitations, failed to maintain client funds in trust and failed to disclose his indictment for embezzlement when the client hired Mr. Long. In the fourth complaint, Mr. Long accepted a fee without disclosing his indictment for embezzlement and, thereafter, failed to provide the professional services for which he had been retained.

Mr. Long's conduct violated Rules of Professional Conduct 1.2(a) (scope of representation); 1.3 (competency); 1.4(a) and (b) (communication); 1.5(a), (b), (e) and (f) (fees); 1.15(a)-(e) (safekeeping property and funds); 1.16(a) and (d) (declining or terminating representation); 8.1(b) (bar admissions and disciplinary matters) and 8.4(a), (c) and (d) (misconduct).

Mr. Long must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of disbarred attorneys and may not return to the active practice of law until an order of reinstatement has been entered by the Supreme Court.

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

11/15/2017

Clerk of the
Appellate Courts

IN RE: FLETCHER WHALEY LONG, BPR #018775

An Attorney Licensed to Practice Law in Tennessee
(Sumner County)

No. M2017-02196-SC-BAR-BP
BOPR No. 2017-2681-6-AW

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed on February 9, 2017; upon the Board's Motion for Default Judgment and that Charges in Petition for Discipline be Deemed Admitted filed May 3, 2017; upon an Order for Default Judgment entered May 25, 2017; upon the Findings of Fact and Conclusions of Law of the Hearing Panel entered August 10, 2017; upon service of the Findings of Fact and Conclusions of Law of the Hearing Panel upon Mr. Long by the Executive Secretary of the Board on August 10, 2017; upon the Board's Application for Assessment of Costs filed August 15, 2017; upon the Hearing Panel's Findings and Judgment on Assessment of Costs entered August 30, 2017; upon service of the Hearing Panel's Findings and Judgment for Assessment of Costs upon Mr. Long by the Executive Secretary of the Board on August 30, 2017; upon consideration and approval by the Board on October 18, 2017; upon expiration of the appeal period with no appeal taken; and upon the entire record in this cause.

From all of which the Court accepts the recommendation of the Hearing Panel and adopts the Hearing Panel's Findings of Fact and Conclusions of Law and the Hearing Panel's Findings and Judgment for Assessment of Costs as the Court's Order.

On September 14, 2015, an Order of Enforcement disbaring Mr. Long was entered by Order of this Court (Case No. M2015-01710-SC-BAR-BP) pursuant to Tenn. Sup. Ct. R. 9 (2014), and said disbarment remains in effect.

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

(1) Fletcher Whaley Long is disbarred from the practice of law, pursuant to Tenn. Sup. Ct. R. 9 (2014).

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 12.7 (2014), and as a condition precedent to any reinstatement, Mr. Long shall make restitution to the following individuals and shall furnish to the Board of Professional Responsibility proof of restitution. In the event restitution is made by the Tennessee Lawyer's Fund for Client Protection (TLFCP), Mr. Long shall reimburse TLFCP in the same amount:

(a) Steve Martinez - \$14,000.00

(b) Timothy Fleming - \$10,000.00

(c) Charles Brust - \$11,000.00

(d) Kierra Leavell and James Johnson - \$6,000.00

(3) Prior to seeking reinstatement, Mr. Long must have satisfied all CLE requirements; have remitted all outstanding registration fees and outstanding professional privilege taxes, including those due from the date of this suspension until the date of reinstatement; and have remitted all court costs and Board costs in this matter.

(4) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d) (2014), Mr. Long shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$1,358.80 and 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.

(5) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 28.11 (2014).

(6) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1 (2014), this Order shall be effective upon entry.

PER CURIAM