



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

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RELEASE OF INFORMATION
RE: H. OWEN MADDUX, BPR# 515
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BOARD OF PROFESSIONAL RESPONSIBILITY
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July 9, 2009

CHATTANOOGA LAWYER SUSPENDED

On July 2, 2009, H. Owen Maddux, of Chattanooga, Tennessee, was suspended for five (5) months by Order of the Tennessee Supreme Court.

The Board of Professional Responsibility filed a Petition for Discipline against H. Owen Maddux pursuant to Rule 9 of the Rules of the Supreme Court of Tennessee alleging that Mr. Maddux violated several rules of professional conduct in his representation of a client suffering injuries following a car accident in Florida. Mr. Maddux missed the statute of limitations for filing suit in Florida. Mr. Maddux was not licensed to practice law in Florida, was not competent in Florida law, and did not associate a Florida attorney to assist him. He further neglected the matter for several years after being hired by failing to interview the treating physicians, by failing to inform the client that he missed the statute of limitations, and by failing to adequately communicate with the clients until after a disciplinary complaint had been filed. Additionally, Mr. Maddux misled his client by advising her that the case could not proceed because the insurance company was changing representatives. After the complaint had been filed with the Board, Mr. Maddux sought to enter into a settlement agreement with the client without adequately informing them of the conflict of interest and without informing her that she may seek independent counsel. Finally, Mr. Maddux commingled personal funds in his trust account which had been deposited for the purpose of making a settlement payment to the client.

After a full hearing, a Hearing Panel recommended that Mr. Maddux be suspended for five (5) months. Mr. Maddux appealed the Hearing Panel's recommendation by filing a Writ of Certiorari to the Chancery Court of Hamilton County. The Chancery Court affirmed the Hearing Panel's decision. Mr. Maddux appealed to the Supreme Court. The Supreme Court affirmed the Chancery Court's judgment in an opinion filed on July 2, 2009.

Mr. Maddux's actions violate the following Rules of Professional Conduct: 1.1, Competence; 1.2(a), Scope of Representation; 1.3, Diligence; 1.4, Communication; 1.8(a), Conflict of Interest: Prohibited Transactions; 1.15, Fees (a); 8.1(b), Bar Admission and Disciplinary Matters; and 8.4(a)(c) and (d), Misconduct.

Mr. Maddux must comply with Section 18 of Rule 9, Rules of the Supreme Court, regarding the obligations and responsibilities of suspended attorneys.

Maddux 1601-3 rel.doc

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