



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

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RELEASE OF INFORMATION
RE: GAIL OSTBY MATHES, BPR #004649
CONTACT: A. RUSSELL WILLIS
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

October 14, 2019

SHELBY COUNTY LAWYER SUSPENDED

On October 14, 2019, the Supreme Court of Tennessee entered an order suspending Gail Ostby Mathes from the practice of law for a period of two (2) years, with six (6) months to be served as an active suspension, pursuant to Tennessee Supreme Court Rule 9, Section 12.2, and the remaining eighteen (18) months served on probation, pursuant to Tennessee Supreme Court Rule 9, Section 14.1; payment of restitution to three (3) former clients totaling \$3,700.00, and payment of costs to the Board of the disciplinary proceeding.

A Petition for Discipline consisting of seven (7) complaints was filed against Ms. Mathes by the Board. Ms. Mathes executed a conditional guilty plea acknowledging she failed to properly supervise a legal assistant in her office; accepted retainers but failed to provide diligent legal services to several clients; failed to reasonably communicate with several clients about the status of their cases; failed to refund unearned retainers after she was temporarily suspended; failed to provide documentation to the Board to substantiate her IOLTA account overdraft notice resulting from a legal assistant utilizing the wrong bank account; and failed to respond to the Board concerning a disciplinary complaint.

Ms. Mathes' conduct violated Rules of Professional Conduct 1.3 (Diligence); 1.4 (Communication); 1.5 (Fees); 1.15(d) (Safekeeping Property and Funds); 1.6(a) and (d) (Declining and Terminating Representation); 5.3(a), (b), and (c) (Responsibilities Regarding Nonlawyer Assistance); 8.1(a) and (b) (Bar Admission and Disciplinary Matters); and 8.4(a), (c), (d) and (g) (Misconduct).

Ms. Mathes must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4 regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.