



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

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RELEASE OF INFORMATION
THOMAS HOLLAND MCKINNIE, JR., BPR #15580
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BOARD OF PROFESSIONAL RESPONSIBILITY
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June 30, 2017

DAVIDSON COUNTY LAWYER DISBARRED

On June 30, 2017, the Tennessee Supreme Court disbarred Davidson County lawyer, Thomas Holland McKinnie, from the practice of law and ordered that he pay restitution as a condition of reinstatement. Mr. McKinnie must pay the Board of Professional Responsibility's costs and expenses and court costs within ninety days of entry of the Order.

On September 23, 2016, a Petition for Discipline was filed against Mr. McKinnie alleging that he misappropriated funds from a trust that he prepared for the benefit of a minor child. Over a period of two years Mr. McKinnie wrote checks to himself from the trust account in the total amount of \$196,469.05. Mr. McKinnie closed the trust account on October 9, 2014, after the funds had been depleted. In January of 2015, Mr. McKinnie failed to pay the school tuition beneficiary, which resulted in the termination of the child's enrollment. Mr. McKinnie did not file a response, and a default judgment was entered against him.

The Hearing Panel found that Mr. McKinnie violated Tennessee Rules of Professional Conduct 8.4(a) (b) and (c), (misconduct).

Mr. McKinnie must comply with Tennessee Supreme Court Rule 9, Sections 28 and 30 regarding the obligations and responsibilities of disbarred attorneys, and the procedure for reinstatement.

McKinnie 2636-5 rel.doc

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
06/30/2017
Clerk of the
Appellate Courts

IN RE: THOMAS H. MCKINNIE, BPR #15580
An Attorney Licensed to Practice Law in Tennessee
(Davidson County)

No. M2017-01319-SC-BAR-BP
BOPR No. 2016-2636-5-AJ

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Thomas H. McKinnie on September 23, 2016; upon Amended Certificate of Service filed by the Board on October 4, 2016; upon request for additional time to respond to the Petition for Discipline filed by Mr. McKinnie on October 31, 2016; upon a Motion for Default Judgment and that the Charges in the Petition for Discipline be Deemed Admitted filed by the Board on December 29, 2016; upon Show Cause Order entered by the Hearing Panel on January 31, 2017; upon service of the Show Cause Order on Mr. McKinnie by the Executive Secretary of the Board on January 31, 2017; upon Notice Certifying Mailing filed by the Board on February 2, 2017; upon Order granting Motion for Default entered by the Hearing Panel on February 17, 2017; upon service of the Order granting Motion for Default on Mr. McKinnie by the Executive Secretary of the Board on February 17, 2017; upon the Findings of Fact and Conclusions of Law of the Hearing Panel entered on March 28, 2017; upon service of the Findings of Fact and Conclusions of Law on Mr. McKinnie by the Executive Secretary of the Board on March 28, 2017; upon Application for Assessment of Costs filed by the Board on April 4, 2017; upon Order Assessing Costs entered April 25, 2017; upon service of the Order Assessing Costs on Mr. McKinnie by the Executive Secretary of the Board on April 25, 2017; upon consideration and approval by the Board on June 9, 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 approves the Order of the Hearing Panel and adopts the Hearing Panel's Findings of Fact and Conclusions of Law as the Court's Order.

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

(1) Pursuant to Tenn. Sup. Ct. R. 9, § 12.1, Thomas H. McKinnie is disbarred from the practice of law.

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 12.7, and as a condition precedent to any reinstatement, Mr. McKinnie shall make restitution to Carrie Smithson in the amount of \$196,469.05. In the event restitution is made by the Tennessee Lawyer's Fund for Client Protection (TLFCP), Mr. McKinnie shall reimburse TLFCP in the same amount.

(3) Mr. McKinnie shall comply in all aspects with Tenn. Sup. Ct. R. 9, § 28, and Tenn. Sup. Ct. R. 9, § 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

(4) Prior to seeking reinstatement, Mr. McKinnie must meet 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.

(5) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1, this Order shall be effective immediately.

(6) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. McKinnie shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$543.83 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.

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

PER CURIAM