

IN DISCIPLINARY DISTRICT II  
OF THE  
BOARD OF PROFESSIONAL RESPONSIBILITY  
OF THE  
SUPREME COURT OF TENNESSEE

FILED

2011 JAN 21 PM 3:05

BOARD OF PROFESSIONAL  
RESPONSIBILITY

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EXEC. SEC'Y

IN RE: RANDY K. MILLER, BPR NO. 21321  
Respondent, an attorney licensed  
to practice law in Tennessee  
(Knox County)

FILE NOS. 31644-2-KS  
32340-2-KS

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PUBLIC CENSURE

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The above complaints were filed against Randy K. Miller, an attorney licensed to practice law in Tennessee, alleging certain acts of misconduct. Pursuant to Supreme Court Rule 9, the Board of Professional Responsibility considered these matters at its meeting on December 10, 2010.

In the first matter, the client hired Respondent in May 2008 to represent him in a divorce. The client asserts the agreement was for \$500; \$250 up front and \$250 after resolution of the matter. Respondent paid the up front \$250. Respondent asserts that he told the client the divorce papers would not be filed until the entire \$500 fee was paid. On May 28, 2008, the client returned the signed and notarized prepared divorce papers to Respondent. On June 26, 2008, Respondent requested \$170 from the client for filing fees, which the client paid. By e-mail, Respondent told the client more than once that he had filed the divorce papers. At one point in the e-mails, Respondent stated that there isn't a court date yet and later Respondent stated that he didn't recall the exact date, but the final hearing would be the week of October 14, 2008. The client began calling and e-mailing Respondent after learning his divorce had not been filed with the court, with no success. To date, Respondent hasn't refunded the \$170 filing fee paid by the client, even though he didn't file

anything. Respondent told the client that he would return the papers to him, but has not. Respondent has past disciplinary history for similar conduct.

In the second matter, Respondent filed a pleading in court stating that he could not receive a fair and unbiased hearing before two identified judges because both have shown blatant and open personal bias against him by filing ethics complaints against him and one was a former political opponent of his. Respondent claimed defamation by one of the judges.

By the aforementioned facts, Randy K. Miller, has violated Rules of Professional Conduct 1.4 (communication), 8.2(a)(1) (reckless statement about the integrity of judges) and 8.4 (a), (c) and (d) (misrepresentation, conduct prejudicial to the administration of justice) and is hereby Publicly Censured for these violations.

FOR THE BOARD OF  
PROFESSIONAL RESPONSIBILITY

  
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Lela M. Hollabaugh, Chair

1-13-2011  
\_\_\_\_\_  
Date