



BOARD OF PROFESSIONAL RESPONSIBILITY
of the
SUPREME COURT OF TENNESSEE

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RELEASE OF INFORMATION
IN RE: JAMES L. MILLIGAN, JR., BPR # 1559
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BOARD OF PROFESSIONAL RESPONSIBILITY
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July 21, 2005

KNOXVILLE LAWYER'S LAW LICENSE SUSPENDED

On June 28, 2005, the Supreme Court of Tennessee suspended the law license of James L. Milligan Jr. for two (2) years. Disciplinary Counsel of the Board of Professional Responsibility had filed a petition for discipline as to Mr. Milligan. The petition was heard before a hearing panel of the Board. The panel recommended disbarment. Pursuant to Rule 9, Rules of the Supreme Court of Tennessee, Mr. Milligan appealed. The Knoxville Chancery Court (William Inman, Sr. serving as special judge) recommended Mr. Milligan receive a Public Censure. Disciplinary Counsel appealed to the Supreme Court, with the Court deciding to suspend Mr. Milligan's law license for two (2) years. At the end of two years Mr. Milligan's law license will not be automatically reinstated. Before it can be reinstated Mr. Milligan must prove by clear and convincing evidence to a hearing panel of the Board of Professional Responsibility his fitness to return to the practice of law.

The Court found that Mr. Milligan misappropriated trust funds. He overdraw on his trust account 24 times in one year. In an eight month period he incurred overdraft charges in the amount of \$766. He wrote a check on his trust account to Attorney G. Turner Howard, for Mr. Howard's work on a case that had been settled which was returned for insufficient funds. In the case of Michael Overton, Mr. Milligan deposited in his checking account \$50,000 on May 7, 1999. Mr. Milligan did not make a disbursement to Mr. Overton in the amount of \$29,924.21 until May 28, 2002. During this period of time, Mr. Milligan's trust account dipped beneath \$29,924.21 indicating a misappropriation of funds. Mr. Milligan admitted using client funds before settlement funds were deposited in his trust account and depositing client funds in non-trust accounts. The Court found that Mr. Milligan thereby violated DR1-102(A), 2-106(A), 7-101(A), 9-102(A) and 9-102(B) of the attorney's ethics rules in effect at the time of the offenses.

In the case of Kerry Johnson Mr. Milligan used Mr. Johnson's monies for his personal use. He signed the names of the Johnsons to a release and falsely notarized the signatures. The Court found that this conduct involved dishonesty, fraud, deceit, or misrepresentation. The Court found that Mr. Milligan thereby violated DR1-102(A) of the Attorney's Ethics Rules in effect at

the time of the offenses. The Court stated in its opinion “We find these violations to be very serious and indicative of conduct that should not and will not be tolerated.”

The Court found as aggravating circumstances Milligan’s prior public censure and two admonitions, as well as his failure to comply with the recommendations of Suzanne Rose, the Tennessee Bar Law Practice Management Consultant. It found as a mitigating factor the fact that Mr. Milligan “Ultimately made good the checks returned for insufficient funds and there is no evidence that any individual lost money as a result of (Milligan’s) actions.”

Milligan 1187-2 rel.doc

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