



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

10 CADILLAC DRIVE, SUITE 220
BRENTWOOD, TENNESSEE 37027
TELEPHONE: (615) 361-7500
(800) 486-5714
FA24: (615) 367-2480
E-MAIL: ethics@tbpr.org
Website: www.tbpr.org

RELEASE OF INFORMATION
RE: ERIC JOHN MONTIERTH, BPR #031679
CONTACT: EILEEN BURKHALTER SMITH
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

January 12, 2021

SHELBY COUNTY LAWYER CENSURED

On January 12, 2021, Eric John Montierth, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Montierth failed to timely file an appellate brief in two criminal cases. In both cases, the court then entered an order directing him to file the brief within ten days. In both cases, Mr. Montierth failed to file the brief or ask for an extension of time. Almost four months later, the court ordered Mr. Montierth to appear and explain his conduct in both cases, which he did. The court later accepted the late-filed brief in each case. Mr. Montierth's conduct resulted in potential harm to his clients.

By these acts, Eric John Montierth has violated Rules of Professional Conduct Rule 1.3 (diligence), 3.2 (expediting litigation), 3.4(c) (fairness to opposing party and counsel) and 8.4(d) (prejudice to the administration of justice) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

Montierth 65782-9 rel.doc

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

IN RE: ERIC JOHN MONTIERTH, #031679

Respondent, an attorney licensed
to practice law in Tennessee
(Shelby County)

FILE NO. 65782-9-ES

PUBLIC CENSURE

The above complaint was filed against Eric John Montierth, an attorney licensed to practice law in Tennessee, alleging certain acts of misconduct. Pursuant to Tenn. Sup. Ct. R. 9, the Board of Professional Responsibility considered this matter at its meeting on December 11, 2020.

Mr. Montierth failed to timely file an appellate brief for two criminal clients. In both cases, the court then entered an order directing him to file the brief within ten days. In both cases, Mr. Montierth failed to file the brief or ask for an extension of time. Almost four months later, the court ordered Mr. Montierth to appear and explain his conduct, which he did. The court later accepted his late-filed brief in each case. Mr. Montierth's conduct resulted in potential harm to his clients.

By the aforementioned acts, Eric John Montierth has violated Rules of Professional Conduct Rule 1.3 (diligence), 3.2 (expediting litigation) and 3.4(c) (fairness to opposing party and counsel) and 8.4(d) (prejudice to the administration of justice) and is hereby Publicly Censured.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY

Floyd S. Flippin

Floyd Flippin, Chair

1-12-21

Date