



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

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RELEASE OF INFORMATION
RE: DAVID GARRETT MULLINS, BPR #24158
CONTACT: ALAN D. JOHNSON
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

August 13, 2014

WISE COUNTY, VIRGINIA LAWYER SUSPENDED

On August 12, 2014, the Tennessee Supreme Court suspended David Garrett Mullins, Jr. from the practice of law for one year which shall run concurrently with his prior disbarment. Further, the Court ordered that he pay restitution as a condition of reinstatement.

A Petition for Discipline was filed on October 25, 2013. The Petition was based upon one (1) complaint alleging that Mr. Mullins accepted a fee for representation in a criminal matter and thereafter he failed to adequately communicate with his client. The complaint further alleged that he improperly advised his client to reject a plea offer. After the trial, his client was found guilty. The client retained another lawyer to seek post-conviction relief and the court allowed the client to accept the previously rejected plea on the grounds of ineffective assistance of counsel. Mr. Mullins did not respond to the Petition for Discipline.

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

Mullins 2262-0 rel.doc

PLEASE NOTE

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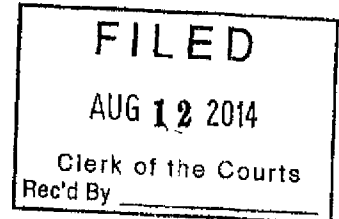
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IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: DAVID GARRETT MULLINS, BPR #024158

An Attorney Licensed to Practice Law in Tennessee
(Wise County, VA)

No. M2014-01526-SC-BAR-BP
BOPR No. 2013-2262-0-AJ



ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against David Garrett Mullins on October 25, 2013; upon Motion for Default Judgment and That the Allegations in the Petition be Deemed Admitted filed on March 4, 2014; upon Order of Default entered on March 26, 2014; upon the Judgment of the Hearing Panel filed on May 22, 2014; upon service of the Judgment of the Hearing Panel on Mr. Mullins by the Executive Secretary of the Board on May 22, 2014; upon consideration and approval by the Board on June 13, 2014; upon expiration of the appeal period with no appeal taken; and upon the entire record in this cause.¹

From all of which the Court approves the Order of the Hearing Panel and adopts the Hearing Panel's Judgment as the Court's Order.

On November 30, 2012, in Case No. M2012-002498-SC-BPR-BP, Mr. Mullins was disbarred from the practice of law and ordered to pay restitution. Further, on December 29, 2011, in Case No. M2011-02733-SC-BPR-BP, Mr. Mullins was temporarily suspended by this Court pursuant to Tenn. Sup. Ct. R. 9, § 4.3. To date, Mr. Mullins has not requested, nor been granted reinstatement. Mr. Mullins is subject to the disciplinary jurisdiction of the Supreme Court of Tennessee, pursuant to Rule 9 of the Rules of the Supreme Court of Tennessee.

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

(1) Pursuant to Tenn. Sup. Ct. R. 9, § 4.2, David Garrett Mullins is suspended for one (1) year, to be served concurrent to the Order of Enforcement entered November 30, 2012, which disbarred him from the practice of law.

¹Because this cause was initiated prior to January 1, 2014, it is governed by the pre-2014 version of Tenn. Sup. Ct. R. 9

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 4.7, and as a condition precedent to any reinstatement, Mr. Mullins shall make restitution to Cynthia Withers in the total sum of \$11,000.00. In the event restitution is made by the Tennessee Lawyer's Fund for Client Protection (TLFCP), Mr. Mullins shall reimburse TLFCP in the same amount.

(3) Additionally, Mr. Mullins shall comply in all aspects with Tenn. Sup. Ct. R. 9, § 18 (2006) and Tenn. Sup. Ct. R. 9, § 30.4 (2014) regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

(4) Mr. Mullins must meet all CLE requirements and all registration requirements prior to reinstatement.

(5) Further, the Order of Temporary Suspension entered on December 29, 2011, in Case No. M2011-02733-SC-BPR-BP is hereby dissolved.

(6) Pursuant to Tenn. Sup. Ct. R. 9, § 18.5, this Order shall be effective ten (10) days after the date of entry.

(7) Pursuant to Tenn. Sup. Ct. R. 9, § 24.3, Mr. Mullins shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$985.14 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.

(8) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 18.10.

FOR THE COURT:

Cornelia A. Clark
CORNELIA A. CLARK, JUSTICE