



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

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RELEASE OF INFORMATION
RE: ROY PATRICK NEUENSCHWANDER, BPR #921
CONTACT: ALAN JOHNSON
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

February 5, 2015

KNOX COUNTY LAWYER SUSPENDED

On February 2, 2015, Roy Patrick Neuenschwander, of Knoxville, Tennessee, was suspended from the practice of law for eleven (11) months and twenty-nine (29) days by Order of the Tennessee Supreme Court. The suspension is to be served on probation subject to the condition that Mr. Neuenschwander make monthly payments of restitution, and attend a continuing legal education program on ethics which includes IOLTA and trust account materials. Mr. Neuenschwander must pay the Board's costs and expenses and the court costs.

A Petition for Discipline was filed on April 16, 2013, that included one (1) complaint of misconduct. After settling a personal injury case, Mr. Neuenschwander's client asked to keep her settlement proceeds in his trust account until she could decide what to do with them. On two occasions, Mr. Neuenschwander asked if he could borrow money from her settlement proceeds, and she agreed. Shortly after the loans, his client passed away and Mr. Neuenschwander agreed to represent her son in connection with her estate. He then signed a promissory note in which he agreed to re-pay the loan to the son. Mr. Neuenschwander did not advise either client of a conflict of interest and the need to obtain independent legal advice, nor did he obtain the clients' written, informed consent.

A Hearing Panel held that Mr. Neuenschwander violated RPC 1.7, (Conflicts of Interest: Current Clients); 1.8(a) (3), (Conflicts of Interest: Prohibited Transactions); and 8.4, (Misconduct). The Circuit court affirmed the Hearing Panel.

Mr. Neuenschwander must comply with the requirements of Tennessee Supreme Court Rule 9, Section 18 (2006) and Tennessee Supreme Court Rule 9, Section 30.4 (2014), regarding the obligations and responsibilities of suspended attorneys. The effective date of the Court's Order is February 12, 2015.

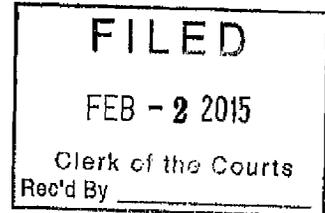
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IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: ROY PATRICK NEUENSCHWANDER, BPR #921

An Attorney Licensed to Practice Law in Tennessee
(Knox County)

No. M2015-00182-SC-BAR-BP
BOPR No. 2013-2201-2-AJ



ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Roy Patrick Neuenschwander on April 16, 2013; upon Answer to Petition for Discipline filed by Mr. Neuenschwander on May 17, 2013; upon the final hearing held on September 25, 2013; upon the Judgment of the Hearing Panel filed on November 8, 2013; upon service of the Judgment of the Hearing Panel on Mr. Neuenschwander by the Executive Secretary of the Board on November 8, 2013; upon a Motion to Alter and Amend filed by the Board on November 13, 2013; Upon Order of the Hearing Panel granting in part and denying in part the Motion to Alter and Amend on December 2, 2013; upon service of the Order of the Hearing Panel on Mr. Neuenschwander by the Executive Secretary of the Board on December 2, 2013; upon Correction to Order on Motion to Alter and Amend filed on December 4, 2013; upon service of the Correction to Order on Motion to Alter and Amend of the Hearing Panel on Mr. Neuenschwander by the Executive Secretary of the Board on December 2, 2013; upon consideration and approval by the Board on March 8, 2014; upon filing of a Writ of Certiorari by Mr. Neuenschwander on January 31, 2014; upon Answer to the Writ of Certiorari filed by the Board on March 27, 2013; upon final hearing by the Circuit Court on November 17, 2014; upon order of the Circuit Court filed on November 18, 2014; upon consideration and approval by the Board on December 12, 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 Orders of the Hearing Panel and the Circuit Court and adopts the Orders of the Hearing Panel and the Circuit Court's as the Court's Order.

¹Because this cause was initiated prior to January 1, 2014, it is governed Tenn. Sup. Ct. R. 9 (2006) except as otherwise noted.

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

(1) Pursuant to Tenn. Sup. Ct. R. 9, § 4.2, Roy Patrick Neuenschwander is suspended for eleven (11) months and twenty-nine (29) days. However, pursuant to Tenn. Sup. Ct. R. 9, § 8.5, the suspension shall be served on probation subject to the condition that Mr. Neuenschwander pay restitution in the amount of \$25,000, plus interest in the amount of 5%. Restitution is to be paid in monthly installments in the amount of \$2,500.00 beginning no later than thirty (30) days after entry of this Order of Enforcement. The interest owed as of December 4, 2013, is \$3,827.00 which shall also be paid as a condition of probation. Mr. Neuenschwander shall also attend a Board of Professional Responsibility recognized continuing legal education program on ethics which includes IOLTA and trust account materials.

(2) In the event Mr. Neuenschwander fails to meet any condition of probation, the probation shall be revoked pursuant to Tenn. Sup. Ct. R. 9, § 8.5.

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

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

(5) Pursuant to Tenn. Sup. Ct. R. 9, § 24.3, Mr. Neuenschwander shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$3,010.30 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.

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

PER CURIAM