



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

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RELEASE OF INFORMATION
RE: JOSEPH BRENT NOLAN, BPR #15237
CONTACT: WILLIAM C. MOODY
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

December 1, 2014

KNOX COUNTY LAWYER SUSPENDED

On November 26, 2014, Joseph Brent Nolan, of Knoxville, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court for two (2) years or indefinitely until restitution is completed. The effective date of the Order is December 6, 2014. Mr. Nolan must pay restitution to three (3) clients in the total amount of \$69,599.54. If restitution is completed during the first year of the suspension, the second year may be served on probation. If restitution is completed during the second year of the suspension, the remainder of the second year may be served on probation. Mr. Nolan must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

The Board filed a Petition for Discipline on June 18, 2012, a Supplemental Petition for Discipline on January 8, 2013, and a Second Supplemental Petition for Discipline on July 16, 2013. The petitions contained eight (8) complaints of misconduct. Mr. Nolan delegated sole responsibility for management of his trust account to his mother, a non-lawyer employee. She misappropriated client funds from his trust account without his knowledge in order to pay the expenses of his law practice and other businesses owned by him. As a result, a number of clients were significantly delayed in receiving the proceeds of their settlements and some never received all the funds to which they were entitled. Payments owed to third parties were delayed or not made at all. Mr. Nolan failed to communicate adequately with these clients and failed to provide them with timely, accurate settlement statements. Mr. Nolan failed to adequately supervise his non-lawyer employee and failed to maintain client funds in his trust account. He non-suited one case without consulting with his clients. Mr. Nolan eventually left his private practice and became in-house counsel for a corporation. Mr. Nolan failed to advise one client that he had done so, failed to communicate with that client and failed to properly withdraw from his case. While employed as in-house counsel, Mr. Nolan improperly borrowed money from his employer/client.

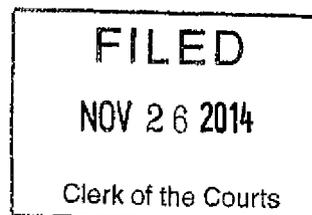
Mr. Nolan's ethical misconduct violates Rules of Professional Conduct 1.2, Scope of Representation; 1.4, Communication; 1.5, Fees; 1.8, Conflict of Interest; 1.15, Safekeeping Property and Funds; 1.16, Declining or Terminating Representation; and 8.4, Misconduct.

Mr. Nolan must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 18 (2006) and 30 (2014), regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: JOSEPH BRENT NOLAN, BPR #15237
An Attorney Licensed to Practice Law in Tennessee
(Knox County)

No. M2014-02282-SC-BAR-BP
BOPR No. 2012-2132-2-KB



ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Joseph Brent Nolan on June 18, 2012; upon the Answer of Joseph Brent Nolan filed on September 28, 2012; upon a Supplemental Petition for Discipline filed on January 8, 2013; upon Joseph Brent Nolan's Answer to Supplemental Petition for Discipline filed March 4, 2013; upon a Second Supplemental Petition for Discipline filed on July 16, 2013; upon Joseph Brent Nolan's Answer to Second Supplemental Petition for Discipline filed August 6, 2013; upon Joseph Brent Nolan's Amended Response to Petition for Discipline filed September 12, 2013; upon the Findings of Fact and Conclusions of Law of the Hearing Panel entered on July 24, 2014; upon service of the Findings of Fact and Conclusions of Law of the Hearing Panel upon Mr. Nolan by the Executive Secretary of the Board on July 24, 2014; upon the Agreed Order Amending Findings of Fact and Conclusions of Law of the Hearing Panel entered on September 5, 2014; upon consideration and approval by the Board on September 19, 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 adopts the Findings of Fact and Conclusions of Law of the Hearing Panel and the Agreed Order Amending Findings of Fact and Conclusions of Law of the Hearing Panel as the Court's Order.

¹Because this cause was initiated prior to January 1, 2014, it is governed by 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, Joseph Brent Nolan is suspended for two (2) years and for an indefinite period thereafter until he has provided proof of restitution in the following amounts:

- (a) Rodney Smith or his bankruptcy trustee – \$36,945.00
- (b) Michelle Collins-Hill as legal guardian and for the benefit of Dakota Hill – \$29,747.04
- (c) David Morgan - \$2,907.50

In the event restitution is made by the Tennessee Lawyer's Fund for Client Protection (TLFCP), Mr. Nolan shall reimburse TLFCP in the same amount.

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 8.5, the second year of the suspension shall be served on probation if Mr. Nolan makes complete restitution before the expiration of the first year of active suspension. If Mr. Nolan completes the restitution requirements during the second year of the suspension, the remainder of the second year of the suspension shall be served on probation. Any period of probation is subject to the following conditions:

- (a) Mr. Nolan shall engage a practice monitor at his expense acceptable to the Chief Disciplinary Counsel of the Board for the entire period of probation.
- (b) The practice monitor shall have weekly telephone contact with Mr. Nolan and monthly in-person meetings and shall report his findings in writing to Disciplinary Counsel at least monthly.

(3) In the event that Mr. Nolan violates or otherwise fails to meet any condition of probation, Disciplinary Counsel is authorized to file a petition to revoke probation. Upon a finding that a condition of probation was violated, the Respondent shall serve the entirety of the previously deferred period of suspension.

(4) Additionally, Mr. Nolan 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.

(5) While suspended, Mr. Nolan remains obligated to fulfill all CLE requirements and to pay annual registration fees. Mr. Nolan must meet all CLE requirements and pay all annual registration fees prior to petitioning for reinstatement.

(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. Nolan shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$7,178.18 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.

PER CURIAM