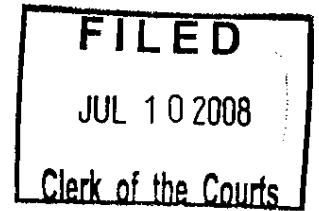


IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: P. ROBERT PHILP, JR., NO. 21824
An Attorney Licensed to Practice Law in Tennessee
(Williamson County)



BOPR No. 2006-1621-6-CH
No. M2007-01848-SC-BPR-BP

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed by the Board of Professional Responsibility ("Board") against Respondent, P. Robert Philp, Jr., on July 26, 2006; upon an Answer to Petition for Discipline filed by Respondent on September 6, 2006; upon a hearing before a Hearing Committee on March 14 and 15, 2007; upon the Judgment of the Hearing Committee filed on March 28, 2007, ordering that Respondent be suspended from the practice of law for thirty (30) days and directing that Respondent maintain malpractice insurance: (1) for taking a medical malpractice case without the experience, resources and staff to competently prosecute the case; (2) for failing to adequately prepare the case, specifically by failing to secure expert witnesses; (3) for misrepresenting to his clients his ability and experience to prosecute the medical malpractice case; and (4) for misrepresenting to his clients the estimated expenses associated with the prosecution of the case.

Subsequent to Respondent receiving a cost bill from the Board, Respondent filed several motions, including: (1) Motion to Tax Costs or Alternatively to Strike Petitioner's Cost Bill; (2) Motion to Revise the Order of Enforcement and to Revise or Alternatively to Strike Petitioner's Memorandum; and (3) Motion to Expedite Rulings on Respondent's Motions. Respondent also filed a Petition for Dissolution or Amendment of 30-Day Temporary Suspension and Request for Immediate Hearing. The Board filed a Response to Respondent's motions and an Answer to Respondent's petition.

Respondent's motions request the Court to: (a) tax the costs of the disciplinary proceedings to the Board pursuant to Tenn. R. Civ. P. 54.04(2), or strike the cost bill in its entirety pursuant to Tenn. R. Civ. P. 12.06 because of alleged inaccuracies in the cost bill; (b) limit the Board's publication of the notice of Respondent's suspension to Williamson County where Respondent's office is now located; (c) direct that the findings of the Hearing Committee not be published unless supported by material evidence; and (d) revise or strike the protocol Memorandum submitted by Disciplinary Counsel on the basis that it mischaracterizes the Hearing Committee's decision.

Upon due consideration, the Court is of the opinion that Respondent's motions must be denied because: (1) the assessment of costs in disciplinary proceedings is governed by Rule 9, § 24.3 of the Rules of the Supreme Court rather than Tenn. R. Civ. P. 54.04(2) or Tenn. R. Civ. P. 12.06, and, in any event, the Board has agreed to reduce Respondent's costs to the sum of \$4,614.00; (2) Rule 9, § 18.10 of the Rules of the Supreme Court provides that the Board shall cause a notice of the Respondent's suspension to be given "to all state judges, to a newspaper of general circulation in each county in which the respondent attorney maintained an office for the practice of law, and in such other publications as the Board may determine to be appropriate;" and (3) the protocol Memorandum is not an evidentiary document but rather an administrative tool prepared by Disciplinary Counsel to provide the Court with a general summary of the proceedings.

Respondent's Petition for Dissolution or Amendment of 30-Day Temporary Suspension and Request for Immediate Hearing requests that the Court: (1) not adopt the Judgment of the Hearing Committee; and (2) dissolve the thirty (30) day suspension (or in the alternative rule that Respondent's suspension has more that adequately been served) because of the Board's delay in responding to Respondent's motions. Respondent relies upon Rule 9, § 4.3 of the Rules of the Supreme Court to support his petition.

Upon due consideration, Respondent's petition must be denied because Respondent: (1) did not appeal the Judgment of the Hearing Committee as authorized by Rule 9, § 1.3 of the Rules of the Supreme Court and Tenn. Code Ann. § 27-9-101, and therefore cannot now complain about the findings of the Hearing Committee; (2) did not file a petition with the Board for relief from costs pursuant to Rule 9, § 24.3 of the Rules of the Supreme Court (although Respondent may file such petition within thirty days from the date of entry of this Order); and (3) relies upon Rule 9, § 4.3 of the Rules of the Supreme Court, which section is inapplicable to Respondent's case.

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** by the Court that:

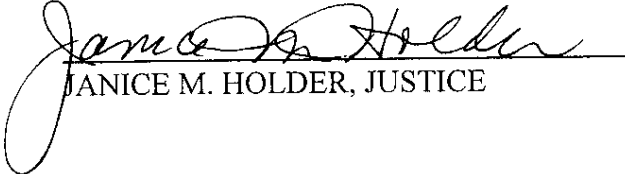
1. Respondent is suspended from the practice of law for thirty (30) days from the date of the entry of this Order.
2. Respondent shall maintain malpractice insurance upon Respondent's resumption of the practice of law.
3. Respondent's Motion to Tax Costs or Alternatively to Strike Petitioner's Cost Bill is denied.
4. Respondent's Motion to Revise the Order of Enforcement and to Revise or Alternatively to Strike Petitioner's Memorandum is denied.
5. Respondent's Motion to Expedite Rulings on Respondent's Motions is rendered moot by the entry of this Order.
6. Respondent's Petition for Dissolution or Amendment of 30-Day Temporary Suspension and Request for Immediate Hearing is denied.

7. Pursuant to Rule 9, § 24.3 of the Rules of the Supreme Court, Respondent shall pay to the Board the Board's costs in the sum of \$4,614.00, plus any additional costs assessed by the Clerk of this Court, for all of which execution may issue, if necessary. Payment of the costs in this cause shall be a condition precedent to reinstatement.

8. Respondent shall comply with the requirements set forth in Rule 9, § 18.1 of the Rules of the Supreme Court.

9. The Board shall cause notice of this suspension to be published as required by Rule 9, § 18.10 of the Rules of the Supreme Court.

FOR THE COURT:


JANICE M. HOLDER, JUSTICE