

IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE

**IN RE: KEITH A. POPE, BPR NO. 014146**  
An Attorney Licensed To Practice Law In Tennessee  
(Knox County)

FILED  
2011 MAR -9 AM 8:46  
APPELLATE COURT CLERK  
NASHVILLE

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NO. M2011-00152-SC-BPR-BP  
No. M2010-01112-SC-BPR-BP  
BOPR No. 2011-2002-2-SG(4.3)

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**ORDER**

On January 31, 2011, the Court entered an Order of Temporary Suspension suspending Keith A. Pope pursuant to Section 4.3 of Supreme Court Rule 9 due to Mr. Pope's noncompliance with his Tennessee Lawyer's Assistance Program (TLAP) Monitoring Agreement.

On March 2, 2011, a hearing was conducted before a three-member Hearing Panel of the Board of Professional Responsibility. On March 4, 2011, the Hearing Panel entered its Order recommending that the temporary suspension be dissolved subject to conditions outlined in the Hearing Panel's Order. A copy of the Order is attached hereto and incorporated herein by reference.

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

1. The temporary suspension imposed upon Keith A. Pope by Order of Temporary Suspension filed January 31, 2011, is hereby dissolved and Keith A. Pope is reinstated to the practice of law subject to the following conditions:

a) Keith A. Pope shall submit to hair tests at least every two (2) months; and

b) Keith A. Pope shall continue counseling in addition to the requirements of his current TLAP Monitoring Agreement.

2. Mr. Pope shall reimburse and pay to the Board of Professional Responsibility the costs and expenses of this proceeding in the amount \$1,007.00 and, in addition, shall pay to the Clerk of this Court the costs incurred herein, for all of which execution shall issue, if necessary.

FOR THE COURT:

*Cornelia A. Clark*  
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CORNELIA A. CLARK  
CHIEF JUSTICE

FILED

2011 MAR -4 AM 11:32

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

BOARD OF PROFESSIONAL  
RESPONSIBILITY  
  
EXEC. SEC'Y

IN RE: KEITH A. POPE,  
BPR NO. 01-1146  
Attorney Licensed to  
Practice Law in Tennessee  
(Knox County)

DOCKET NO. 2011-2002-2-SG(4.3)

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REPORT AND RECOMMENDATION OF  
THE HEARING PANEL

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On March 2, 2011, pursuant to Tennessee Supreme Court Rule 9, Section 4.3, a hearing panel heard Keith A. Pope's application for dissolution of the Order of Temporary Suspension filed January 31, 2011. The hearing panel consisted of Wade V. Davies, William C. Bovender, and Carl P. McDonald. Mr. Pope was present and was represented by counsel, Jere Ownby. The Board was represented by Disciplinary Counsel, Sandy Garrett.

Pursuant to Rule 9, Section 4.3, the panel unanimously finds that Mr. Pope met his burden of showing good cause for the dissolution of the temporary suspension.

It is the recommendation of the panel that the temporary suspension be dissolved upon the following conditions:

1. That Mr. Pope's current monitoring agreement with the Tennessee Lawyers Assistance Program be amended to require hair testing at least every two months;
2. That Mr. Pope's TLAP monitoring agreement be amended to require continued psychological counseling of at least one session every three weeks.

After hearing approximately three hours of proof, the panel finds that because of Mr. Pope's efforts in his recovery program, because of the strict monitoring requirements of the Tennessee Lawyers Assistance Program, and because of the support system in place, Mr. Pope does not pose a danger to himself, his clients, the public, or the judicial system.

Further, the panel finds that Mr. Pope has not violated this Court's Order imposing temporary conditions of probation entered January 5, 2011.

Because of the strict monitoring requirements imposed by Mr. Pope's TLAP agreement and the recommended hair testing, coupled with random drug screens, it is unlikely that Mr. Pope could relapse without the Board quickly being made aware of the problem in order to petition for suspension.

At the hearing, Ted Rice, the Deputy Director of TLAP, described Mr. Pope's efforts working with TLAP in treatment. Mr. Pope self-reported a brief relapse in October 2010 as well as an instance of consuming alcohol in November 2010. Mr. Rice described the efforts taken by TLAP to assist Mr. Pope after his October relapse. Among other things, Mr. Pope completed out-patient treatment at Bradford. Based on the TLAP monitoring, Mr. Rice was able to state with relative certainty that there has not been a cocaine relapse since October 2010.

The current TLAP agreement was placed in the record. Among other things, the agreement requires Mr. Pope to abstain from all mood altering substances, to take random drug screens of which he would have no notice until the day that they are administered, to attend three self-help sessions per week, to attend the Lawyers in Recovery meeting every week, to keep a calendar of his recovery efforts, to take part in the annual TLAP retreat, to receive regular counseling, and to meet face-to-face with his TLAP counselor.

In fact, Mr. Pope has been attending some form of treatment or counseling almost every day.

Under the terms of Mr. Pope's current agreement, Mr. Pope knows that TLAP has no discretion. If there is a relapse of any kind, TLAP will report the conduct to the Board of Professional Responsibility.

Mr. Rice's opinion is that Mr. Pope is not currently a danger to himself, to the public or to clients.

Significantly, TLAP has not been made aware of Mr. Pope failing in his obligations to his clients while under his current obligations to TLAP.

Because of the length of time that substances remain in one's hair, hair testing every other month is sufficient to detect a violation, particularly when coupled with urine drug screenings during the month. Mr. Rice agreed that a requirement of hair testing should be added to Mr. Pope's agreement.

The Honorable Stan Briggs, Magistrate in the Knox County Juvenile Court, testified on Mr. Pope's behalf. Mr. Pope has appeared regularly before Magistrate Briggs for approximately twenty years. Magistrate Briggs appoints Mr. Pope to dozens of cases each year to represent parents in child support actions. He gives Mr. Pope difficult cases because Mr. Pope deals well with difficult people and works cases harder than others on the appointment list. In Magistrate Briggs's opinion, Mr. Pope has never appeared to be impaired while representing a client and has never missed court as a result of impairment.

Kevin Telfelteller, the Legal Director of the Knox County Child Support office, testified that he has participated in hundreds of lawsuits in which Mr. Pope has represented parents in actions that were brought by the Child Support office. In his opinion Mr. Pope has never missed a hearing, never appeared unprepared and never appeared to be impaired. Additionally, Mr. Telfelteller testified that he supervised five other attorneys who deal with Mr. Pope, and no one

on the Child Support staff had ever reported any instance of absence, unpreparedness or intoxication.

Steve Sharp, a Knox County attorney who has known Mr. Pope for approximately twenty years, testified that he sees Mr. Pope in court or speaks to him on an almost daily basis. They are both professional colleagues and friends. Mr. Sharp testified that there is no doubt in his mind that Mr. Pope is currently compliant with his treatment. Mr. Sharp testified that he knows Mr. Pope so well that he can tell almost immediately if Mr. Pope has relapsed. In fact, in 2010, Mr. Sharp became concerned about Mr. Pope and reported his conduct to the Board. Mr. Sharp stated that he would have no hesitation about reporting Mr. Pope again.

In addition, Mr. Pope submitted compelling testimony regarding his assisting others in treatment. This included the testimony of an attorney that Mr. Pope had helped get in the TLAP program six or seven years ago. The attorney stated that Mr. Pope saved his career and even driven him to a treatment facility.

Mr. Pope also presented testimony of clients who testified as to his legal dedication and competence.

Dr. Worley Fain, a licensed psychologist with expertise in treating addiction, described his counseling with Mr. Pope over several years and opined that Mr. Pope shows a genuine commitment to his recovery program at this time. He does not believe that Mr. Pope is a danger to himself, the clients, or the general public.


Dr. Fain would recommend continued therapy in addition to the requirements of the current contract. Dr. Fain also agreed that hair tests should be performed every two to three months and opined that those tests cannot be defeated.

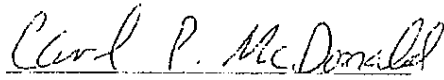
Mr. Pope testified and described the seriousness with which he is engaged in his current treatment program. Additionally, his wife testified and confirmed his level of commitment since he acknowledged relapse in October 2010.

Based on the compelling testimony and the efforts of TLAP, including comprehensive treatment and monitoring, the panel members, as well as the parties, agree to the recommendation that the Order of Temporary Suspension be lifted on the conditions that Mr. Pope submit to hair testing at least every two months and continued counseling in addition to the requirements of his current TLAP contract.

Respectfully submitted this 4th day of March, 2011.

  
WADE V. DAVIES  
Hearing Panel Chair

  
WILLIAM C. BOVENDER *by WVD -1 per-*  
Hearing Panel Member

  
CARL P. McDONALD *by WVD/perm*  
Hearing Panel Member