

FILED

2011 FEB -4 AM 10:13

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

BOARD OF PROFESSIONAL
RESPONSIBILITY

EW
EXEC. SEC'Y

IN RE: THOMAS HARDING POTTER, BPR NO. 16503
Respondent, an attorney licensed
to practice law in Tennessee
(Rutherford County)

FILE NO. 32725-4-KS

PUBLIC CENSURE

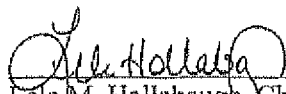
The above complaint was filed against Thomas Harding Potter, an attorney licensed to practice law in Tennessee, alleging certain acts of misconduct. Pursuant to Supreme Court Rule 9, the Board of Professional Responsibility considered these matters at its meeting on December 10, 2010.

During the deposition of his expert witness, the Respondent believed he saw the opposing side's expert witness making hand signals. Respondent stated, "For the record, [opposing expert witness] is making hand gestures and nodding his head in agreement. Mr. [opposing expert witness], sit silent." The opposing expert witness responded, "I didn't say a word, Mr. Potter." The Respondent stated, "You don't have to. You give enough gestures in court during testimony." The opposing expert witness replied, "You are a liar saying I did." The Respondent then stood and said, "If you were half a man I would slap your face, and make you regret it." Opposing counsel responded, "okay guys, sit down." Respondent then stated, "Listen, your man is a cheat. He's sitting there signaling, and that's not to be permitted." It appeared to the court reporter that the Respondent was ready to strike the opposing expert witness.

By the aforementioned facts, Thomas Harding Potter has violated Rules of Professional

Conduct 3.5 (disrupting proceedings) and 4.4 (respect for third persons) and is hereby Publicly Censured for these violations.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY



Lela M. Hollabaugh, Chair

2-3-2011

Date