



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

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**RELEASE OF INFORMATION**  
**RE: JAMES S. POWELL, BPR# 015619**  
**CONTACT: KEVIN D. BALKWILL**  
**BOARD OF PROFESSIONAL RESPONSIBILITY**  
**615-361-7500**

May 9, 2013

**HARDIN COUNTY ATTORNEY SUSPENDED**

On May 9, 2013, James S. Powell of Savannah, Tennessee, was suspended for two years by the Tennessee Supreme Court pursuant to Rule 9, Section 4.2, of the Rules of the Supreme Court. Additionally, Mr. Powell was ordered to pay restitution to a former client in the amount of \$750.00 pursuant to Rule 9, Section 4.7, of the Rules of the Supreme Court.

Mr. Powell caused several overdrafts to occur to his client trust account and neglected the representation of a former client, causing the former client's case to be dismissed for failure to prosecute. Mr. Powell also failed to respond to the Board of Professional Responsibility concerning complaints that had been filed against him.

By these acts, Mr. Powell violated Rules 1.3 (diligence), 1.4 (communication), 1.16 (terminating representation), 3.2 (expediting litigation), 8.1 (bar admission and disciplinary matters), and 8.4(a), (c), and (d) (misconduct) of the Rules of Professional Conduct.

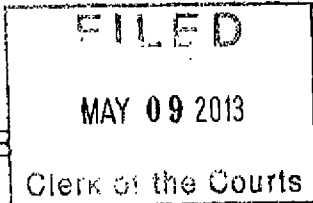
Mr. Powell was further ordered to pay the expenses and costs of the disciplinary proceedings against him pursuant to Rule 9, Section 24.3, of the Rules of the Supreme Court and fully comply in all respects with the requirements and obligations of suspended attorneys as set forth in Rule 9, Section 18, of the Rules of the Supreme Court.

Powell 2135-7 rel.doc

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IN THE SUPREME COURT OF TENNESSEE  
AT NASHVILLE



**IN RE JAMES S. POWELL, BPR #015619**  
An Attorney Licensed to Practice Law in Tennessee  
(Hardin County)

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No. M2013-01015-SC-BPR-BP  
BOPR No. 2012-2135-7-KB

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**ORDER OF ENFORCEMENT**

This matter is before the Court upon a Petition for Discipline filed by the Board of Professional Responsibility against James S. Powell on July 6, 2012; upon a response to the Petition for Discipline submitted by Mr. Powell on July 20, 2012; upon a Motion to Require Respondent to Submit a Responsive Pleading to the Petition for Discipline and to Enlarge Discovery Deadline filed by the Board on October 30, 2012; upon an Order Extending Discovery Deadline and for Respondent to Show Cause filed by the Hearing Panel on November 2, 2012; upon a Motion for Default Judgment and that Allegations Contained in the Petition for Discipline Be Deemed Admitted filed by the Board on November 21, 2012; upon the Order Granting Motion for Default Judgment filed by the Hearing Panel on January 10, 2013; upon a Notice of Hearing mailed to the parties by the Board on January 10, 2013; upon a hearing held on January 28, 2013; upon the Judgment of the Hearing Panel filed on February 5, 2013; upon service of the Hearing Panel's Judgment on Mr. Powell by the Executive Secretary of the Board on February 5, 2013; upon the Board's approval of the Hearing Panel's recommendation on March 8, 2013; upon expiration of the appeal period with no appeal taken; and upon the entire record in this cause.

From all of which the Court approves the Judgment of the Hearing Panel and adopts the Judgment of the Hearing Panel as the Court's Order.

By Order entered September 21, 2011, in Case No. M2011-02004-SC-BPO-BP, Mr. Powell was suspended from the practice of law pursuant to Tenn. Sup. Ct. R. 9, § 14. A Petition for Final Discipline is pending and Mr. Powell has not been reinstated from that suspension.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED by the Court that:

1. James S. Powell shall be and is hereby suspended for a period of two (2) years pursuant to Tenn. Sup. Ct. R. 9, § 4.2.

2. Mr. Powell's suspension shall become effective within ten (10) days of the filing of this Order.

3. As a condition precedent to reinstatement, Mr. Powell shall provide restitution to Eddie Atkins in the amount of \$750.00. In the event that Mr. Atkins applies for and receives restitution from the Tennessee Lawyer's Fund for Client Protection ("TLFCP"), Mr. Powell will be responsible for reimbursement to the TLFCP in the same amount.

4. Mr. Powell shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 18 and 19 regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

5. Pursuant to Tenn. Sup. Ct. R. 9, § 24.3, Mr. Powell shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$1,023.32, and in addition, 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 shall cause notice of this suspension to be published as required by Tenn. Sup. Ct. R. 9, § 18.10.

FOR THE COURT:

Cornelia A. Clark  
CORNELIA A. CLARK, JUSTICE