

Board of Professional Responsibility

41st Annual Discipline Report Fiscal Year July 1, 2021 – June 30, 2022

Board of Professional Responsibility Organization and Composition

The Tennessee Supreme Court regulates and supervises the practice of law in Tennessee pursuant to Tennessee Supreme Court Rule 9. The Court appoints twelve members to the Board of Professional Responsibility (the Board) to effectuate Tenn. Sup. Ct. R. 9 and the Court's disciplinary enforcement.

The Board consists of nine (9) attorneys and three (3) public (non-attorney) members who serve three-year terms and geographically represent the entire state. In 2021-2022, Board members volunteered 529 hours and received no compensation for their service. Members of the Board include:

Floyd Flippin (Chair)
Jennifer S. Hagerman (Vice-Chair)
Sheriff Floyd Bonner (Lay Member)
Richard Briggs (Lay Member)
Jimmy Dunn
Stacey B. Edmonson
Ruth Thompson Ellis
Charles K. Grant
Barbara Medley
Juanita Patton (Lay Member)
Jody Pickens
Bridget Willhite

The Court appoints a Chief Disciplinary Counsel who reports to the Board. The Board also employs attorneys as Disciplinary Counsel and support staff to assist with attorney registration; consumer assistance; investigation and litigation. A staff directory is attached as Exhibit A.

District Committee Members

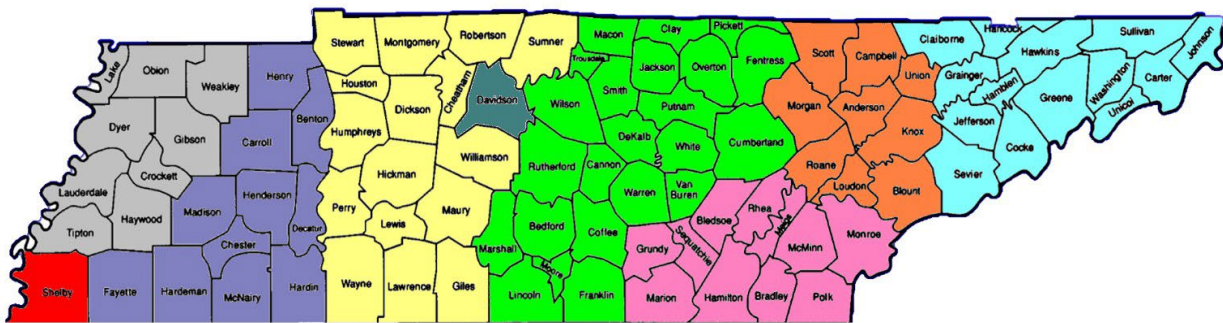
The Tennessee Supreme Court appoints attorneys to serve as district committee members from each disciplinary district in the state. In 2021-2022, 182 attorneys assisted the Court and the Board as district committee members reviewing Disciplinary Counsel's recommendations on investigative files and sitting on hearing panels conducting formal disciplinary charges. Of the 182 members, 138 reported volunteering 3,017 hours in 2021-2022 for which they received no compensation for their services. A roster of current district committee members is attached as Exhibit B.

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Tennessee Attorney Information

The Board of Professional Responsibility provides an easy-to-use online registration system that allows lawyers to fulfill their annual registration requirements. Public registration information is displayed on the Board’s website to allow the judiciary, lawyers and the public to access licensing, registration and contact information about lawyers.

Active Attorneys by Disciplinary District: 23,600*



- Disciplinary District 1: 1,076 Active TN attorneys
 - Disciplinary District 2: 2,656 Active TN attorneys
 - Disciplinary District 3: 1,590 Active TN attorneys
 - Disciplinary District 4: 1,385 Active TN attorneys
 - Disciplinary District 5: 5,980 Active TN attorneys
 - Disciplinary District 6: 2,493 Active TN attorneys
 - Disciplinary District 7: 494 Active TN attorneys
 - Disciplinary District 8: 275 Active TN attorneys
 - Disciplinary District 9: 3,488 Active TN attorneys
- *4,163 Out of State Active TN attorneys

Active Attorney Statistics:

- | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
|---|---------|-----|-----------|-----|------------|-----|------------|-----|------------|-----|----------|----|-------|-----|---------|-----|-------------|----|---|------------|----|------------|-----|------------|-----|------------|-----|------------|-----|----------|-----|
| <ul style="list-style-type: none"> ▪ Years Licensed: <table border="0" style="margin-left: 20px;"> <tr><td><5 yrs:</td><td>16%</td></tr> <tr><td>6-15 yrs:</td><td>30%</td></tr> <tr><td>16-25 yrs:</td><td>22%</td></tr> <tr><td>26-35 yrs:</td><td>15%</td></tr> <tr><td>36-45 yrs:</td><td>11%</td></tr> <tr><td>46+ yrs:</td><td>6%</td></tr> </table>
 ▪ Gender: <table border="0" style="margin-left: 20px;"> <tr><td>Male:</td><td>62%</td></tr> <tr><td>Female:</td><td>37%</td></tr> <tr><td>Unreported:</td><td>1%</td></tr> </table> | <5 yrs: | 16% | 6-15 yrs: | 30% | 16-25 yrs: | 22% | 26-35 yrs: | 15% | 36-45 yrs: | 11% | 46+ yrs: | 6% | Male: | 62% | Female: | 37% | Unreported: | 1% | <ul style="list-style-type: none"> • Age: <table border="0" style="margin-left: 20px;"> <tr><td>21-29 yrs:</td><td>5%</td></tr> <tr><td>30-39 yrs:</td><td>22%</td></tr> <tr><td>40-49 yrs:</td><td>24%</td></tr> <tr><td>50-59 yrs:</td><td>21%</td></tr> <tr><td>60-69 yrs:</td><td>17%</td></tr> <tr><td>70+ yrs:</td><td>11%</td></tr> </table>
 • In-state Attorneys: 82% • Out-of-state Attorneys: 18% | 21-29 yrs: | 5% | 30-39 yrs: | 22% | 40-49 yrs: | 24% | 50-59 yrs: | 21% | 60-69 yrs: | 17% | 70+ yrs: | 11% |
| <5 yrs: | 16% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 6-15 yrs: | 30% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 16-25 yrs: | 22% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 26-35 yrs: | 15% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 36-45 yrs: | 11% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 46+ yrs: | 6% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Male: | 62% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Female: | 37% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| Unreported: | 1% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 21-29 yrs: | 5% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 30-39 yrs: | 22% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 40-49 yrs: | 24% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 50-59 yrs: | 21% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 60-69 yrs: | 17% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |
| 70+ yrs: | 11% | | | | | | | | | | | | | | | | | | | | | | | | | | | | | | |

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Inactive Attorneys

Pursuant to Tennessee Supreme Court Rule 9, Section 10.3, inactive attorneys include attorneys serving as justice, judge or magistrate of a court of the United States of America or who serve in any federal office in which the attorney is prohibited by federal law from engaging in the practice of law; retired attorneys; attorneys on temporary duty with the armed forces; faculty members of Tennessee law schools who do not practice law; and attorneys not engaged in the practice of law in Tennessee. In 2021-2022, 5,800 attorneys on inactive status were registered with the Board of Professional Responsibility.

▪ **Non-disciplinary/Administrative Suspensions:**

Pursuant to Supreme Court Rules, the Supreme Court suspends attorneys who fail to pay their annual fee (Tenn. Sup. Ct. R. 9 § 10.6); fail to complete annual continuing legal education requirements (Tenn. Sup. Ct. R. 21 § 7); fail to comply with Interest on Lawyers Trust Account requirements (Tenn. Sup. Ct. R. 43 § 15); fail to pay the Tennessee professional privilege tax (Tenn. Sup. Ct. R. 9 § 26); or default on student loans (Tenn. Sup. Ct. R. 9 § 37). No attorney suspended pursuant to these Rules may resume practice until reinstated by Order of the Supreme Court. Attorneys were administratively suspended during fiscal year 2021-2022 as follows:

Non-payment of Annual Fee:	236
Continuing Legal Education non-compliance:	149
Interest on Lawyer's Trust Accounts non-compliance:	109
Professional Privilege Tax non-compliance:	32
Default on a Student Loan:	<u>0</u>
Total:	526

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Assistance, Investigation and Prosecution

- **Consumer Assistance Program (CAP)**

Non-frivolous complaints against attorneys submitted by clients, lawyers, judges and the public are referred to the Board’s Consumer Assistance Program (CAP) for assistance or opened and assigned to Disciplinary Counsel for investigation. CAP answers questions, provides information, informally mediates disputes, and refers matters to Disciplinary Counsel for investigation.

Caseload

Number of Cases Opened	2,111
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Timeliness of Resolution

0 to 15 days	72.4%
16 to 30 days	16.8%
31 to 60 days	8.5%
61 or more days	2.3%

Actions Taken

Mediate	35.5 %
Advise	42.8%
Referrals	14.8%
Provide Information	6.9%

- **Trust Account Overdraft Notifications**

Pursuant to Tennessee Supreme Court Rule 9, Section 35.1(b), financial institutions report to the Board whenever any properly payable instrument is presented against an attorney trust account containing insufficient funds. After receiving notification of an overdraft, Board Staff request financial information and explanation from the attorney.

<u>Total Notifications:</u>	76
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Actions Taken

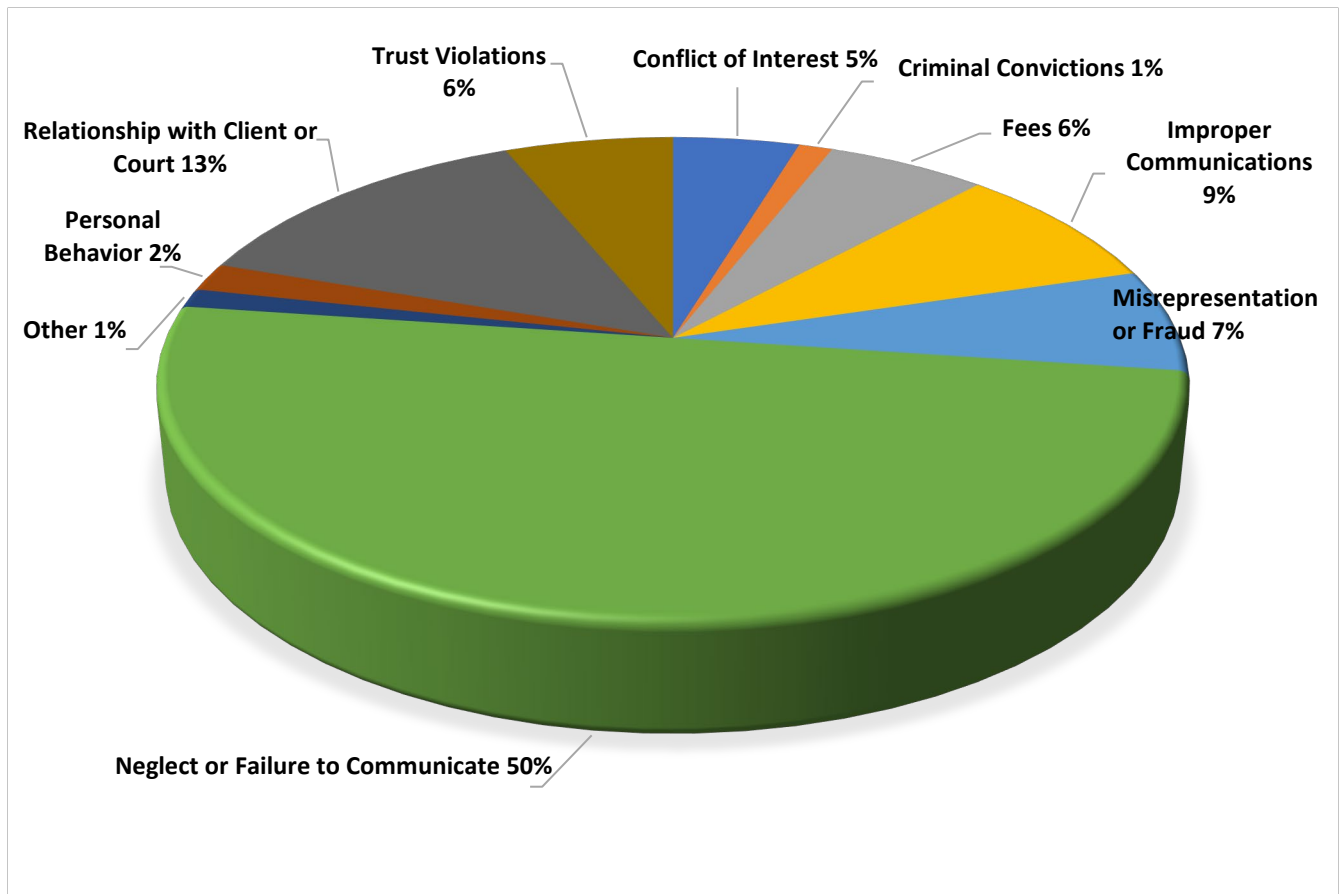
Referred to Investigations:	37
Resolved without Investigation:	39

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▪ Investigation

Disciplinary Counsel investigate complaints alleging unethical conduct. After investigation, Disciplinary Counsel recommend dismissal of the complaint if there is insufficient proof of a violation of the Rules of Professional Conduct. If the investigated complaint reflects a violation of the Rules of Professional Conduct, Disciplinary Counsel recommend diversion, private informal admonition, private reprimand, public censure, or the filing of formal disciplinary charges. A district committee member reviews and approves or disapproves Disciplinary Counsel's recommendation for dismissal, diversion, and private informal admonition. The Board of Professional Responsibility reviews and approves or disapproves Disciplinary Counsel's recommendation for private reprimand, public censure, and the filing of formal disciplinary charges.

A. Nature of Complaints



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B. Investigative Complaint Caseload

Complaints Received:	1,101
Complaints Pending at beginning of Fiscal Year:	<u>482</u>
Total Complaints:	1,583

C. Investigative Complaint Disposition:

Administrative Dismissals:	459
Investigative Dismissals:	436
Diversions:	51
Private Informal Admonitions:	20
Private Reprimands:	19
Informal Public Censures:	22
Transfer to Disability Inactive:	11
Transferred to Litigation	84
Placed on Retired Status:	21
Other: ¹	<u>34</u>
Total:	1,157

¹ Abated by death; complaint withdrawn; duplicate file.

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▪ **Formal Disciplinary Proceedings:**

After the Board of Professional Responsibility authorizes Disciplinary Counsel to file formal disciplinary charges (i.e., a petition for discipline) against an attorney, the matter is assigned to three district committee members who constitute a hearing panel. The Hearing Panel sets the disciplinary proceeding for a hearing which is open to the public unless a protective order has been entered. The Tennessee Rules of Evidence and Rules of Civil Procedure apply unless Tennessee Supreme Court Rule 9 provides otherwise.

The Board of Professional Responsibility must prove an attorney's ethical misconduct by a preponderance of the evidence. Hearing Panels may recommend dismissal, public censure, suspension or disbarment.

A. Caseload

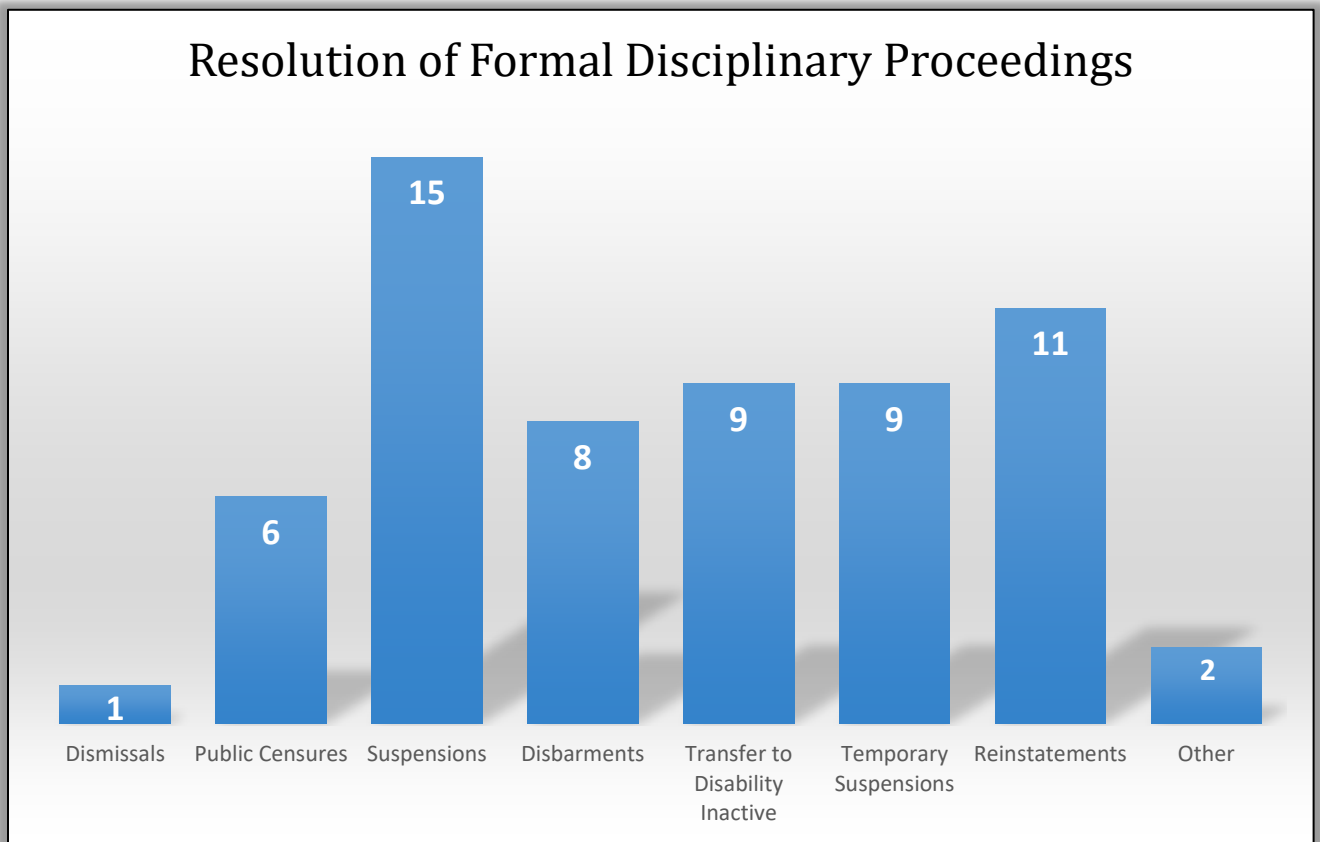
Formal cases filed during Fiscal Year:	71
Formal cases pending at beginning of Fiscal Year:	88
Total formal proceedings:	159
Public hearings conducted in Fiscal Year:	41

B. Formal Disciplinary Proceedings Disposition:

Dismissals:	1
Public Censures:	6
Suspensions:	15
Disbarments:	8
Transfer to Disability Inactive:	9
Temporary Suspensions:	9
Reinstatements:	11
Other ² :	<u>2</u>
Total:	61

² Abated by death; voluntary non-suited; denied; withdrawn; nonserious crime.

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▪ Education and Information

The Board issues Formal Ethics Opinions and staff respond to informal ethics questions by phone and internet. Disciplinary Counsel present continuing legal education seminars and workshops, publish *Board Notes*, a bi-annual newsletter, and update the Board's website with rule changes, disciplinary decisions and news for attorneys, judges and the public.

A. Ethics Opinions

i. Informal Opinions

Ethics Counsel and Disciplinary Counsel responded to a total of 2,198 phone and internet inquiries from attorneys seeking ethical guidance.³

ii. Formal Opinions

The Board did not issue any formal ethics opinions this fiscal year.

B. Continuing Legal Education (CLE) Presentations:

Between July 1, 2021 and June 30, 2022, Disciplinary Counsel presented forty (40) CLE seminars, attended by approximately 2,913 attorneys.

C. Board Notes:

In 2021-2022, the Board emailed both Fall and Spring issues of *Board Notes*, the Board's semi-annual newsletter to all attorneys and judges and published it on the Board's website.

³ Tennessee attorneys may submit ethics inquiries to the Board by calling 615-361-7500, ext. 212, or via the Board's website at www.tbpr.org.

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D. Workshops

- a. The Board of Professional Responsibility hosted its annual Ethics Workshop on November 12, 2021 with over 900 attorneys attending virtually. This year's Ethics Workshop is scheduled for November 4, 2022.

- b. The Board of Professional Responsibility has offered two trust account workshops in 2021/2022. The next trust account workshop is scheduled for September 14, 2022.

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**Board of Professional Responsibility
Staff Directory**

Name	Title	Extension
Doug Bergeron	Disciplinary Counsel	247
Melissa Boyd	Executive Assistant	204
Julie Brown	Administrative Payables Clerk	215
Shilina Brown	Disciplinary Counsel	232
Andrew B. Campbell	Disciplinary Counsel	246
Laura Chastain	Ethics Counsel	212
Steve Christopher	Deputy Chief Disciplinary Counsel - Investigations	203
Jesús Del Campo	Legal Assistant - Litigation	249
Dana Dunn	Assistant Director	209
Eric Fuller	Disciplinary Counsel	243
Sandy Garrett	Chief Disciplinary Counsel	211
Reynold Gaulden, Jr.	Registration Assistant II	244
Elizabeth Gray	Administrative Assistant-Registration/ Scanning	202
Kelly Heflin	Legal Assistant - Investigations	242
McKenzie Hollars	CAP Legal Assistant	228
Katherine Jennings	Executive Secretary	206
Molly Liens	CAP Legal Assistant	252
Carol Marsh	Receptionist	200
Mary McKnight	Registration Manager	213
Jim W. Milam	Disciplinary Counsel	245
Diane M. Nisbet	Disciplinary Counsel	231
Tony Pros	Network Administrator	205
Liz Radford	Legal Assistant – Investigations and Litigation	238
Beverly Rooks	Lead Legal Assistant – Investigations	233
Beverly Sharpe	Director of Consumer Assistance Program	226
Penny Sisk	Lead Legal Assistant - Litigation	248
Eileen Burkhalter Smith	Disciplinary Counsel	210
Candis Story	Case Manager	229
Giselle Sutherland	Paralegal	224
Suzie Thurber	Administrative Receivables Clerk	241
Cheri Weaver	CAP Paralegal	208
Lani White	Registration Assistant II	227
Russ Willis	Deputy Chief Disciplinary Counsel - Litigation	236

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District Committee Member Roster

District	First Name	Last Name	District	First Name	Last Name	District	First Name	Last Name
1	Dan E.	Armstrong	4	Philip Duane	Burnett	6	Clint	Kelly
1	Jeremy D.	Ball	4	Michael	Corley	6	Eric	Larsen
1	Melissia	Ball	4	Christina	Duncan	6	Tracy (Mr.)	Moore
1	Guy W.	Blackwell	4	Michael R.	Gaiamo	6	James Y.	Ross, Sr.
1	Jeffrey A.	Cobble	4	Joy	Gothard	6	Raymond	Runyon
1	McKenna L. (Ms.)	Cox	4	Trisha L.	Henegar	6	Michael L.	Russell
1	Erwin (Lynn)	Dougherty	4	Robert W.	Newman	6	M. Stuart	Saylor
1	Andrew E.	Farmer	4	Lynn (Ms.)	Omohundro	6	Liz	Sitgreaves
1	Jeffery S.	Greene	4	Daniel	Rader, IV	6	Rodger D.	Waynick
1	Scott D.	Hall	4	Thomas S.	Santel	6	Beverly	White
1	William B.	Harper	4	Donna S.	Simpson	6	Jake	Wolaver
1	Richard E.	Ladd, Jr.	4	Megan K.	Trott	7	Andy	Anderson
1	William B.	Marsh	4	Randall	York	7	Shaun	Brown
1	Cecil	Mills	5	Adam	Barber	7	Lisa	Houston
1	Polly A.	Peterson	5	Keene W.	Bartley	7	Robert A.	Jowers
1	William O.	Shults	5	Robert E.	Boston	7	Lisa	Miller
1	Mark A.	Skelton	5	Kenneth	Bryant	7	William J.	Milam
1	Jeffrey L.	Stem	5	Jad A.	Duncan	7	(William) Josh	Morrow
2	Wm. Dale	Amburn	5	Johnny	Ellis	7	Vincent	Seiler
2	Robyn J.	Askew	5	Christopher B.	Fowler	7	Michelle	Shirley
2	Maha (Ms.)	Ayesh	5	Matthew	Harris	7	Terica	Smith
2	Heidi	Barcus	5	William J.	Haynes	7	Joe	VanDyke
2	Amanda M.	Busby	5	Candi R.	Henry	8	Bill	Bowen
2	John W.	Butler	5	Adam	Hill	8	Dean	Dedmon
2	R. Scott	Carpenter	5	Lucas	Jerkins	8	Jeff	Lay
2	Loretta G.	Cravens	5	Raymond	Leathers	8	Amber	Shaw
2	Shannon (Ms.)	Egle	5	Russell B.	Morgan	8	David A.	Stowers
2	Steve	Erdely	5	Anthony (Tony)	Orlandi	8	Joseph E.	Tubbs
2	Matthew A.	Grossman	5	Steven D.	Parman	8	John (Jack)	Warner, III
2	Lisa J.	Hall	5	Barbara	Perutelli	8	Vanedda	Webb
2	Josh	Hedrick	5	Brant	Phillips	8	Allison S.	Whitledge
2	Howard B.	Jackson	5	Lee (Mr.)	Pope	9	Imad (Mr.)	Abdullah
2	Michael S	Kelley	5	Raymond G.	Prince	9	Jeremy G.	Alpert
2	Michael J.	King	5	Daniel H.	Puryear	9	S. Keenan	Carter
2	Mary Elizabeth	Maddox	5	Peter C.	Robison	9	Margaret	Chesney
2	Stephen A.	Marcum	5	Abby R.	Rubinfeld	9	Frank	Childress
2	Chris	McCarty	5	Christopher C.	Sabis	9	Brian	Coleman
2	Carl P.	McDonald	5	(Denise) Billye	Sanders	9	David M.	Cook
2	Ben	Mullins	5	Michael J.	Sandler, Sr.	9	Anne B.	Davis
2	Marshall H.	Peterson	5	Jennifer Lynne	Sheppard	9	Laura	Deakins
2	Wayne A.	Ritchie, II	5	Lesa	Skoney	9	Nicole	Grida
2	Kevin	Teeters	5	Jeffrey	Spark	9	Greg	Grisham
2	Victoria B.	Tillman	5	M. Clark	Spoden	9	Rebecca	Hinds
2	Hanson R.	Tipton	5	Taylor C. (Mr.)	Sutherland	9	Lauren	Holloway
2	Brian	Wanamaker	5	David J.	Tarpley	9	Earl W.	Houston, II
2	Shelly	Wilson	5	James Patrick	Warfield	9	Robbin (Ms.)	Hutton
3	Peter	Alliman	5	Luther	Wright, Jr.	9	Adam	Johnson
3	Ariel	Anthony	6	Evan P.	Baddour	9	Tressa V.	Johnson
3	John H. (Cam)	Cameron, Jr.	6	Richard	Boehms	9	Julia	Kavanagh
3	John M.	Carson III	6	Jessica N.	Borne	9	E. Patrick (Pat)	Lancaster
3	Larry	Cash	6	Nathan	Brown	9	Melisa	Moore
3	Sam D.	Elliott	6	Jim	Catalano	9	Zachary	Moore
3	Rachel	Fisher-Queen	6	Thomas B.	Dean	9	Charles "Chip"	Morrow
3	John F.	Kimball	6	Hilary	Duke	9	Ashley (Ms.)	Patterson
3	Jeffrey	Maddux	6	Nichole	Dusché	9	Steve	Ragland
3	Lance W.	Pope	6	Mary Katharine	Evins	9	Marc	Reisman
3	H. Chris	Trew	6	Rebekah	Fisher	9	Holly J.	Renken
3	Carmen (Ms.)	Ware	6	Jennifer F.	Franks	9	Zayid	Saleem
3	Ronald D.	Wells	6	Robert H.	Hassell, II	9	Emmett L.	Whitwell
3	Elizabeth L	Williams	6	Cameron R.	Hoffmeyer	9	Leslie (Ms.)	Yohey (Isaacman)
4	William "Howie"	Acuff	6	Patricia	Holder			