

BOARD NOTES

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of the
Supreme Court of Tennessee

Fall 2019



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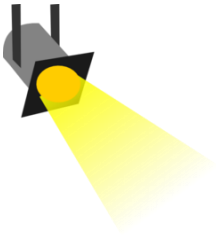
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April 2019 - September 2019

Greeting from Justice Holly Kirby

Supreme Court Liaison, Board of Professional Responsibility

I am honored to be the Tennessee Supreme Court's new liaison to the Board of Professional Responsibility. My initiation as BPR liaison was being a co-presenter, along with Justice Roger Page, at the 2019 Ethics Workshop (included in this issue of Board Notes). Continuing Legal Education seminars like the Ethics Workshop, as well as the Board Notes newsletter, are all part of BPR's many efforts to inform lawyers and help them comply with the Court's disciplinary rules. This issue of Board Notes will also introduce you to BPR's new Disciplinary Counsel, adding to the Board's excellent staff, under the capable leadership of Executive Director Sandy Garrett. The Court fully supports the important work done by the Board to protect the public from harm from unethical lawyers, administer the disciplinary process for lawyers, provide information to lawyers and the public, and interpret and apply the disciplinary rules the Court adopts. We hope this newsletter will be informative for Tennessee lawyers who want to offer their clients excellent, ethical representation.



New Disciplinary Counsel at the Board



Travis Lampley joined the Tennessee Board of Professional Responsibility as Disciplinary Counsel- Litigation in June 2019. Travis is a former Assistant District Attorney General, having worked in the Office of the District Attorney General in the 16th Judicial District. Travis received his B.S. degree in Education from the University of Tennessee and his law degree from Appalachian School of Law. Travis is actively involved in his community, and currently serves as the Chair of the Murfreesboro City Schools Foundation, and is the Past-President of the University of Tennessee Rutherford County Alumni Chapter.

Brittany Lavalle currently serves as Disciplinary Counsel in the Litigation division at the Board of Professional Responsibility of the Supreme Court of Tennessee. Ms. Lavalle received her bachelor degrees from the University of Georgia and her law degree from Mercer University. Prior to joining the Board of Professional Responsibility, Ms. Lavalle worked in Athens, Georgia as a criminal prosecutor handling a caseload of serious violent felonies and special victim cases.



Jerry Morgan joined the Tennessee Board of Professional Responsibility in February of 2019, and serves as Disciplinary Counsel – Appeals. Prior to joining the Board, he handled real estate litigation for fifteen years, representing clients in Missouri, Illinois, Nebraska, and Tennessee. Jerry received his B.A. from York College in Nebraska, his M.Ed. from Harding University, and his law degree from Washington University in St. Louis.

Marcy E. Shelton has served as Disciplinary Counsel- Investigations for the Tennessee Board of Professional Responsibility since July 2019 after a 29 year career in private practice. Prior to joining the Board, she represented sellers, buyers, lenders, developers and investors in transactions involving affordable housing developments, shopping centers, residential and office developments and in zoning and real property disputes. A native of Tennessee, Marcy received her B.A. degree in English from the University of Tennessee and her law degree from University of Tennessee College of Law.



The Board of Professional Responsibility's 2019 Ethics Workshop

Over 375 attorneys attended the Board of Professional Responsibility 2019 Ethics Workshop which was held on October 25th at the Nashville School of Law. Each attorney attending had the opportunity to earn 6.5 hours of dual CLE credits. The opening greeting was delivered by Sandy Garrett, Chief Disciplinary Counsel at the Board, who then presented with Stephen Ross Johnson on Texting with Clients followed by Justice Roger A. Page and Justice Holly Kirby speaking on Social Media; Mark Lanterman on the dark web; Rob Briley on Tennessee Lawyers Assistance Program; Bill Ramsey and Phil Hampton on Ethics and Law Firm Technology; and a Mock Disciplinary Hearing conducted by Beverly Sharpe, Brigid Carpenter, Steven Christopher, Jonathan Cole and Gary Shockley.



Tennessee Board of Professional Responsibility to Offer Workshop in Trust Account Management

The Tennessee Board of Professional Responsibility will offer a three-hour workshop in trust account management from 9:00 AM to noon on Wednesday, March 25, 2020, in the Creekside Conference room at 10 Cadillac Drive, Brentwood, Tennessee, 37027. The workshop has been approved by the Tennessee Commission on Continuing Legal Education for three hours of dual CLE credit. There is a \$50 fee to attend the workshop. The workshop will be led by Steven J. Christopher, Deputy Chief Disciplinary Counsel of the Board's Investigations Section, and other Disciplinary Counsel at the Board.

The workshop will cover the Rules of Professional Conduct and Tennessee Supreme Court Rules governing lawyer trust accounts, tips for avoiding overdrafts, best practices for recordkeeping, and an overview of a lawyer's ethical obligations regarding client fees. Suggestions will also be provided for problems commonly encountered by Tennessee lawyers in connection with trust account management.

To enroll, contact Kelly Heflin at the Tennessee Board of Professional Responsibility, at kheflin@tbpr.org or (615) 695-0940. Enrollment is limited to thirty-five participants.

Board of Professional Responsibility

38th Annual Discipline Report Fiscal Year July 1, 2018 – June 30, 2019

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 2018-2019, Board members volunteered 864 hours and received no compensation for their service. Current members of the Board include:

Floyd Flippin (Chair)
Odell Horton, Jr. (Vice-Chair)
Dana Dye
Ruth Ellis
John D. Kitch
Joe Looney
Jon Lundberg (Lay Member)
Jimmie Miller
Tyreece Miller (Lay Member)
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

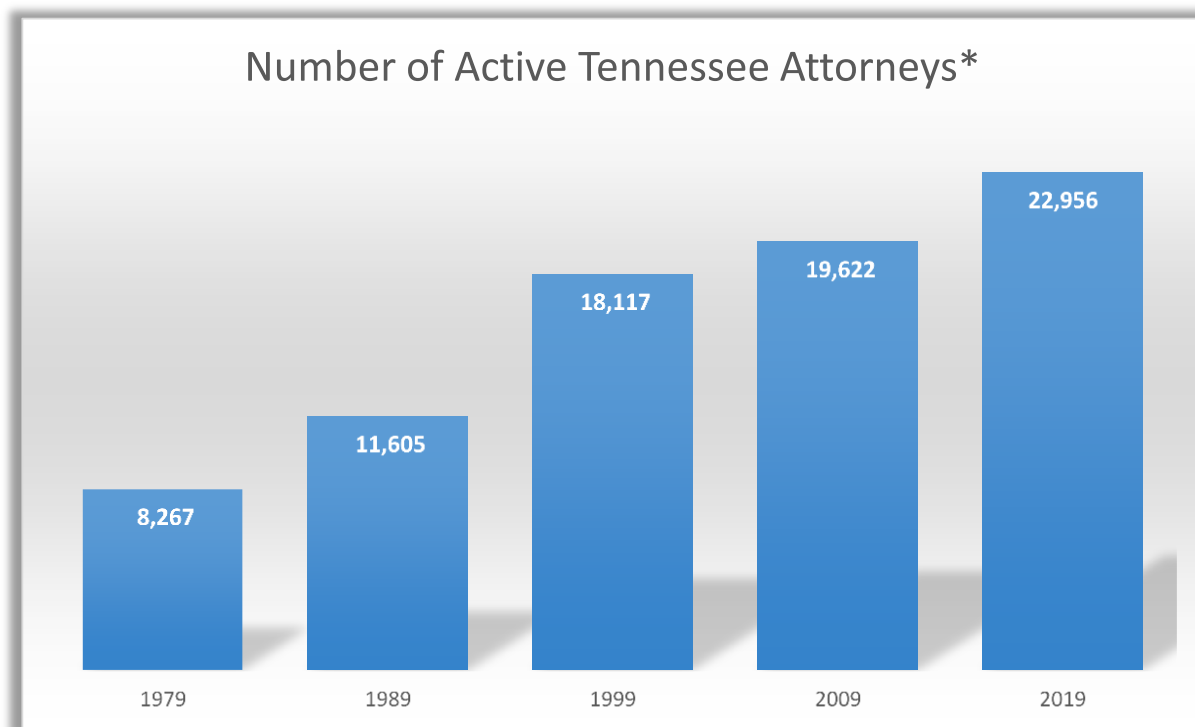
The Tennessee Supreme Court appoints attorneys to serve as district committee members from each disciplinary district in the state. In 2018-2019, 177 attorneys assisted the Court and the Board as district committee members reviewing Disciplinary Counsel's recommendations on investigative files and sitting on hearing panels conducting formal disciplinary charges. Of the 177 members, 170 reported volunteering 2,727 hours in 2018-2019 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. We collect and make available public registration information on our website to allow the judiciary, lawyers and the public to access licensing, registration and contact information about lawyers.

Active Attorneys: 22,956



Active Attorney Statistics:

- | | | | | | |
|-------------------|-------------|-----|-----------------------|---------------------------|-----|
| ▪ Years Licensed: | <5 yrs: | 16% | • Age: | 21-29 yrs: | 3% |
| | 5-10 yrs: | 16% | | 30-49 yrs: | 47% |
| | 10-20 yrs: | 27% | | 50-74 yrs: | 45% |
| | 20-30 yrs: | 18% | | 75+ yrs: | 5% |
| | >30 yrs: | 23% | | | |
| ▪ Gender: | Male: | 62% | • In-state Attorneys: | 82% | |
| | Female: | 34% | | • Out-of-state Attorneys: | 18% |
| | Unreported: | 4% | | | |

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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 2018-2019, 5,139 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 2018-2019 as follows:

Non-payment of Annual Fee:	636
Continuing Legal Education non-compliance:	180
Interest on Lawyer’s Trust Accounts non-compliance:	94
Professional Privilege Tax non-compliance:	175
Default on a Student Loan:	<u>0</u>
Total:	1,085

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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	2,277
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Timeliness of Resolution

0 to 15 days	62.0%
16 to 30 days	27.0%
31 to 60 days	9.3%
61 or more days	1.7%

Actions Taken

Mediate	36 %
Advise	45%
Referrals	12%
Provide Information	7%

▪ **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>	104
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Actions Taken

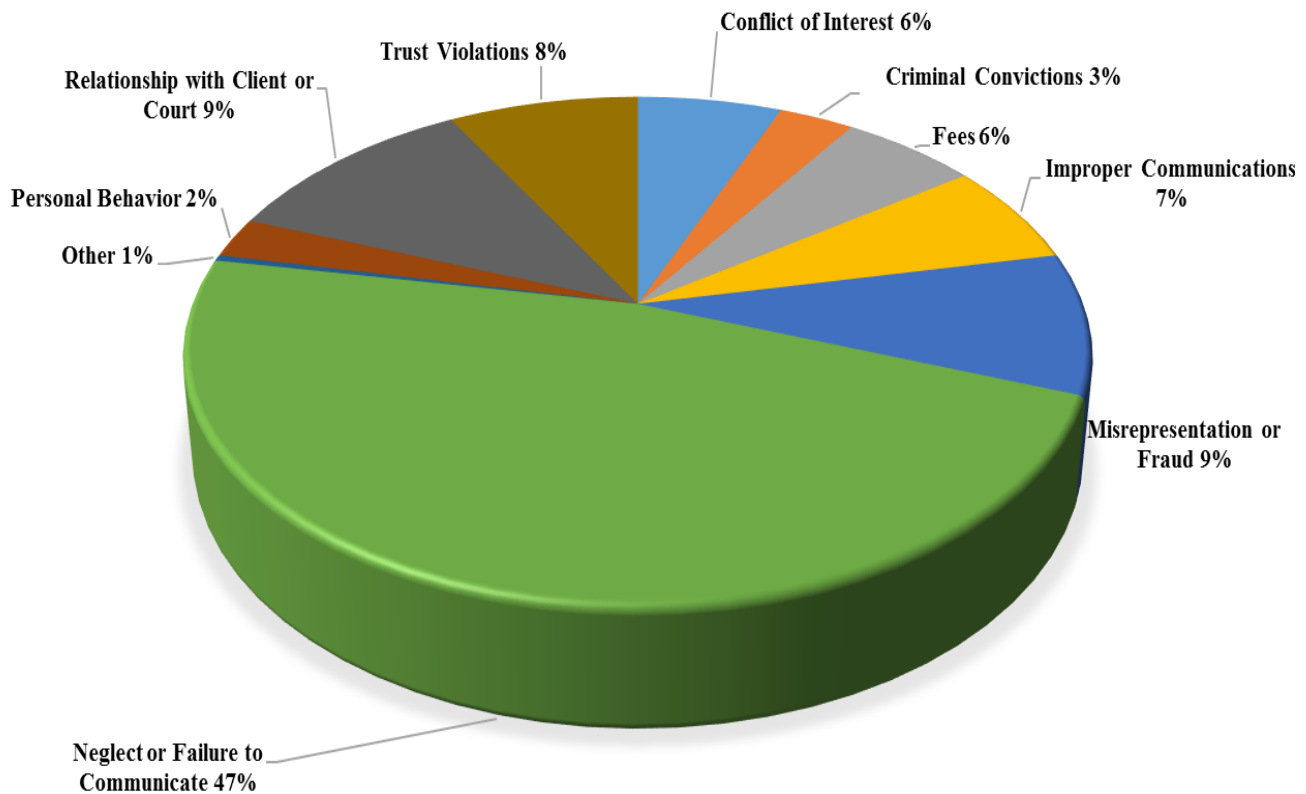
Referred to Investigations:	18
Referred to Litigation:	0
Resolved without Investigation:	86

38th Annual Discipline Report Fiscal Year July 1, 2018 – June 30, 2019

▪ 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:	1,520
Complaints Pending at beginning of Fiscal Year:	<u>495</u>
Total Complaints:	2,015

C. Investigative Complaint Disposition:

Administrative Dismissals:	615
Investigative Dismissals:	510
Diversions:	32
Private Informal Admonitions:	39
Private Reprimands:	31
Informal Public Censures:	43
Transfer to Disability Inactive:	42
Placed on Retired Status:	24
Other: ¹	<u>24</u>
Total:	1,360

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

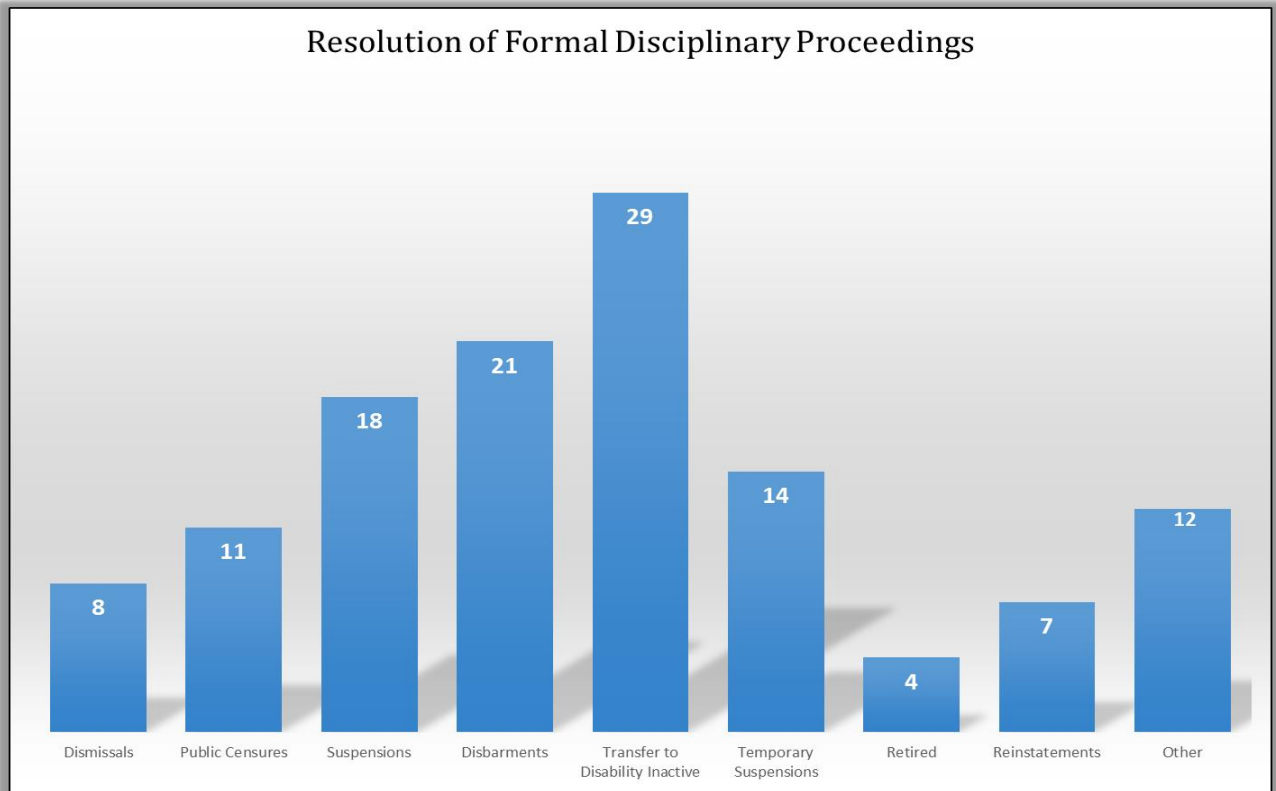
Formal cases filed during Fiscal Year:	130
Formal cases pending at beginning of Fiscal Year:	<u>112</u>
Total formal proceedings:	242
Public hearings conducted in Fiscal Year:	47

B. Formal Disciplinary Proceedings Disposition:

Dismissals:	8
Public Censures:	11
Suspensions:	18
Disbarments:	21
Transfer to Disability Inactive:	29
Temporary Suspensions:	14
Retired:	4
Reinstatements:	7
Other ² :	<u>12</u>
Total:	124

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 2,543 phone and internet inquiries from attorneys seeking ethical guidance.³

ii. Formal Opinions

The Board of Professional Responsibility revised Board Policy 3.15(B), with approval of the Tennessee Supreme Court, to solicit comments from judges, attorneys and the public regarding proposed formal ethics opinions. Formal Ethics Opinion 2019-F-167 was issued by the Board after soliciting and receiving comments.

2019-F-167: The Board of Professional Responsibility issued a Formal Ethics Opinion regarding the ethical propriety of a settlement agreement, in a products liability case, which contains as a material condition of the settlement that the subject vehicle alleged to be defective be destroyed within 180 days with certification to defendant’s counsel of record of the destruction.

B. Continuing Legal Education (CLE) Presentations:

Between July 1, 2018 and June 30, 2019, Disciplinary Counsel presented sixty (69) CLE seminars, attended by approximately 3,680 attorneys.

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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C. *Board Notes:*

In 2018-2019, 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.

D. **Workshops**

- a. The Board of Professional Responsibility hosted its annual Ethics Workshop on November 2, 2018 at the Nashville School of Law with over 400 attorneys attending. This year's Ethics Workshop is scheduled for October 25.
- b. Since August, 2018, the Board of Professional Responsibility has offered a Trust Account workshop to attorneys receiving diversion and/or discipline for trust account violations. Two trust account workshops were held in 2018/2019.

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Board of Professional Responsibility
Staff Directory

Name	Title	Extension
Kevin Balkwill	Disciplinary Counsel	223
Carol Bershatsky	Receptionist	200
Patty Burton	Assistant Director	216
Melanie Cail	Legal Assistant - Litigation	237
Laura Chastain	Ethics Counsel	212
Steve Christopher	Deputy Chief Disciplinary Counsel - Investigations	203
Jennifer Croft	Legal Assistant - Investigations	201
Sandy Garrett	Chief Disciplinary Counsel	211
Reynold Gaulden, Jr.	Registration Assistant II	244
Elizabeth Gray	Administrative Assistant-Registration/ Scanning	202
Penny Greene	Administrative Receivables Clerk	219
Candis Grooms	Case Manager	229
Kelly Heflin	Legal Assistant - Investigations	242
Alan Johnson	Disciplinary Counsel	207
Soumya Kademakki	Lead Legal Assistant - Investigations	218
Travis Lampley	Disciplinary Counsel	236
Cheryl Lang	Administrative Scan Clerk	234
Mary McKnight	Registration Manager	213
Jerry Morgan	Disciplinary Counsel	245
Dana Patrick	Executive Assistant	209
Tony Pros	Network Administrator	230
Suzanne Saucier	Lead Legal Assistant - Litigation	221
Jessica Schraw	CAP Paralegal	240
Beverly Sharpe	Director of Consumer Assistance Program	226
Marcy Shelton	Disciplinary Counsel	222
Eileen Burkhalter Smith	Disciplinary Counsel	210
Giselle Sutherland	Paralegal	224
Suzie Thurber	CAP Intake Assistant	228
Cheri Weaver	CAP Legal Assistant	208
Rita Webb	Executive Secretary	206
Lani White	Registration and Scan Clerk	234
Russ Willis	Deputy Chief Disciplinary Counsel - Litigation	214
Beverly Yousefzadeh	Administrative Payables Clerk	241

Exhibit A

38th Annual Discipline Report Fiscal Year July 1, 2018 – June 30, 2019

District Committee Member Roster

District	First Name	Last Name	District	First Name	Last name	District	First Name	Last name
1	McKenna L.	Cox	4	W. I. Howell	Acuff	6	Michael "Jay"	Fabey, II
1	James W.	Harrison	4	Michael	Corley	6	Kim (Ms.)	Helper
1	Juhé	Canter	4	Kyle B.	Heckman	6	James W.	Milam
1	Mark A.	Skelton	4	S. Todd	Bobo	6	Michael Stuart	Saylor
1	James B.	Dunn	4	Lynn (Ms.)	Omohundro	6	Edward	Schell
1	K. Kidwell	King, Jr.	4	Tommy	Thompson	6	Caroline G.	Beauchamp
1	Nikki C.	Pierce	4	Jeffrey	Henry	6	Clint	Kelly
1	Guy W.	Blackwell	4	Robert W.	Newman	6	Dalton	Mounger
1	William B.	Harper	4	Randall	York	6	Jake	Wolaver
1	Laura	Woods	4	Joy	Gothard	6	Jim	Catalano
1	Andrew T.	Wampler	5	Christopher C.	Sabis	6	Nathan	Brown
1	Olen	Haynes, Jr.	5	Richard	McGee	7	Clint	Scott
1	Polly A.	Peterson	5	David J.	Tarpley	7	William J.	Milam
1	Richard E.	Ladd, Jr.	5	Bill	O'Bryan	7	Leanne	Thorne
2	Russell	Johnson	5	Craig V.	Gabbert, Jr.	7	Paul	Hessing
2	Carl P.	McDonald	5	Robert C.	Bigelow	7	Dwayne	Maddox, III
2	Victoria B.	Tilman	5	Jad A.	Duncan	7	Lowe	Finney
2	Robert "Scott"	Carpenter	5	Raymond G.	Prince	7	Teresa	Marshall
2	Mark	Stephens	5	Abby	Rubenfeld	7	Matthew A.	Floyd
2	John Paul	Dreiser	5	Martha	Boyd	7	Jay	Reynolds
2	Eric J.	Morrison	5	Gary	Shockley	7	Edwin	Townsend, Jr.
2	Brian K.	Krumm	5	Jennifer Lynne	Sheppard	8	Bill	Bowen
2	James C. "Chris"	Cone	5	Steven D.	Parman	8	Amber	Shaw
2	John W.	Butler	5	Stanley A.	Kweller	8	Vanedda	Webb
2	Kenneth	Irvine, Jr.	5	Kenneth	Bryant	8	Joseph E.	Tubbs
2	Kevin	Teeters	5	J. Patrick	Warfield	8	Allison S.	Whitledge
2	Gene Paul	Gaby	5	Taylor C.	Sutherland	8	Phillip	Bivens
2	Virginia	Couch	5	Christopher B.	Fowler	8	John (Jack)	Warner, III
2	Karen	Crutchfield	5	Lesa	Skoney	8	Tony	Maness
2	Marshall H.	Peterson	5	Gerald C.	Wigger	9	Holly J.	Renken
2	Amanda M.	Busby	5	John	Ellis	9	Jennifer	Sink
2	Loretta G.	Cravens	5	John M.	Baird	9	Rick	Click
2	Wm. Dale	Amburn	5	Candi R.	Henry	9	Andre (Mr.)	Wharton
2	Lisa J.	Hall	5	Michael J.	Sandler, Jr.	9	Eugene	Podesta
2	Oliver Dawson	Adams	5	James Lee	Pope	9	Frank	Childress
2	Christopher	Hall	5	Rebekah	Shulman	9	Michael C.	Patton
2	David A.	Draper	5	Bernadette	Wekh	9	Leslie (Ms.)	Yohey (Isaacman)
2	Mary Ann	Stackhouse	5	Keene W.	Bartley	9	Stuart	Canale
2	Elizabeth	Tonkin	5	Peter C.	Robison	9	Karen	Campbell
2	John E.	Eldridge	5	Andrea P.	Perry	9	E. Patrick (Pat)	Lancaster
2	Clint	Woodfin	5	Edgar M.	Rothschild	9	Kamilah (Ms.)	Turner
2	Broderick	Young	5	Michael M.	Castellari	9	Thomas	Branch
2	Hanson R.	Tipton	5	Zale	Dowlen	9	Jessica	Ferrante
2	Stephen A.	Marcum	6	James Y.	Ross, Sr.	9	Sean A.	Hunt
3	Peter	Alliman	6	David	Kozłowski	9	Terrence	Reed
3	John M.	Carson III	6	Timothy	Underwood	9	Ashley (Ms.)	Patterson
3	Kathaleen Ann	Barker	6	Jeffery	Walker	9	Harriett	Halmon
3	H. Chris	Trew	6	Vanessa	Bryan	9	Julia	Kavanagh
3	Bill	Killian	6	Greg	Burlison	9	Laura	Deakins
3	John H. (Cam)	Cameron, Jr.	6	Jennifer F.	Franks	9	Timothy	Kellum
3	Philip	Jacobs	6	Tracy (Mr.)	Moore	9	Asia (Ms.)	Diggs
3	William	Weiss	6	Paul	Plant	9	Margaret	Chesney
3	John F.	Kimball	6	Robert H.	Hassell, II	9	Anne B.	Davis
3	Rosemarie L.	Hill	6	Patricia A. (Pat)	McDade	9	Tom	Cassidy, Jr.
3	Cameron S.	Hill, Sr.	6	Ryan P.	Durham	9	Andre (Mr.)	Mathis
3	Blair (Ms.)	Cannon	6	Anita Lynn	Coffinberry	9	Amber	Floyd
3	Stephen D.	Crump	6	Jerry V.	Smith	9	Charles "Chip"	Morrow
4	Doug	Aaron	6	James Brandon	McWherter	9	Kimbrough (Ms.)	Mullins
4	Christina	Duncan	6	Douglas T.	Bates, III	9	Imad (Mr.)	Abdullah

Exhibit B

Recent Supreme Court Opinions

Jennifer Elizabeth Meehan v. Board of Professional Responsibility

The Tennessee Supreme Court has affirmed the disbarment of Jennifer Elizabeth Meehan from the practice of law in Tennessee based on her conviction for bank fraud in federal court.

Ms. Meehan served as president of a sorority's housing board overseeing construction and furnishing of a new sorority house at her alma mater, the University of Alabama. Through this work, she mishandled funds, including using false documents to open unauthorized banking accounts, submitting false invoices, and moving funds to a personal account. After Ms. Meehan pleaded guilty to bank fraud, the United States District Court for the Northern District of Alabama sentenced her to six months in prison and ordered her to pay restitution.

The Tennessee Supreme Court suspended Ms. Meehan from practicing law and referred the case to the Board of Professional Responsibility to start disciplinary proceedings. A hearing panel appointed by the Board of Professional Responsibility heard evidence related to the plea agreement in the federal bank fraud case as well as a previous disciplinary matter for misrepresenting her credentials in which she received a public sanction. The hearing panel applied Standards 5.1 and 5.11 under the American Bar Association's Standards for Imposing Lawyer Sanctions and considered both aggravating factors submitted by the Board and mitigating factors submitted by Ms. Meehan. Ultimately, the panel determined that Ms. Meehan should be disbarred.

On appeal, the Davidson County Circuit Court held that the hearing panel's decision was arbitrary and imposed a five-year suspension. The Board of Professional Responsibility appealed to the Supreme Court, arguing that the circuit court improperly substituted its judgment for that of the hearing panel and erred in modifying the hearing panel's decision based on a review of sanctions imposed in similar cases.

The Supreme Court examined the presumptive sanction and the applicable aggravating and mitigating factors under the American Bar Association's Standards for Imposing Lawyer Sanctions, and concluded that the hearing panel's decision to disbar Ms. Meehan was supported by substantial and material evidence and was neither arbitrary nor an abuse of discretion. The Supreme Court also held that the trial court did not have the authority to modify the hearing panel's decision based on a review of sanctions imposed in similar cases. Thus, the Supreme Court reversed the circuit court's judgment imposing suspension and affirmed the hearing panel's decision to disbar Ms. Meehan.

In re: Petition to Stay the Effectiveness of Formal Ethics Opinion 2017-F-163

On March 15, 2018, the Board of Professional Responsibility issued Formal Ethics Opinion 2017-F-163 with the purpose of clarifying Rule 3.8(d) of the Tennessee Rules of Professional Conduct. Rule 3.8(d) covers a prosecutor's ethical duties to disclose evidence or information tending to negate the guilt of the accused or to mitigate the offense. The Ethics Opinion interpreted Tennessee's ethical rules for prosecutors as extending beyond a prosecutor's current legal duties for disclosure under federal and state constitutional law. Additionally, the Ethics Opinion interpreted the definition of a "timely" disclosure under Rule 3.8(d) as "as soon as reasonably practicable," which is different from current law.

On January 15, 2019, the Tennessee District Attorneys General Conference filed a petition to vacate the Ethics Opinion and requested that the Tennessee Supreme Court stay the effectiveness of the Ethics Opinion pending review. The Court determined that a full and deliberate review was necessary and ordered briefing and oral argument. Additionally, the Court granted the stay of the effectiveness of the Ethics Opinion pending the Court's review.

In its unanimous opinion, the Supreme Court considered other states' interpretations of prosecutors' ethical rules and ultimately agreed with the policy that a prosecutor's ethical duties should be coextensive with the prosecutor's legal and constitutional obligations. The Court also determined that the history of Rule 3.8(d) supported this interpretation. The Court disagreed with the Ethics Opinion's interpretation of a prosecutor's ethical duties under Rule 3.8(d) extending beyond the prosecutor's legal duties and rather interpreted Rule 3.8(d) as being almost entirely coextensive in scope with federal and state constitutional law. The Court also recognized that a prosecutor must have knowledge of the particular information in order to have an ethical duty to disclose that information. The Court also declined to interpret "timely" within the rule as anything other than what is required constitutionally as a timely disclosure. Accordingly, the Supreme Court vacated the Ethics Opinion in its entirety.

Board of Professional Responsibility v. Loring Edwin Justice

This lawyer-disciplinary proceeding stems from a Knoxville attorney's conduct in a federal personal injury lawsuit where the attorney represented the plaintiff. The federal district court imposed a discovery sanction against the corporate defendant and ordered it to pay the attorney's fees and costs the plaintiff had incurred in locating and deposing a witness the corporate defendant failed to disclose. When the plaintiff's lawyer submitted an itemization of fees and costs to the federal district court, the lawyer falsely claimed as his own work the work that a paralegal had performed. The lawyer also submitted a written declaration along with the itemization falsely claiming that he had kept contemporaneous records of his time in the case and attesting to the truth and accuracy of the itemization. The lawyer also requested in the itemization "grossly exaggerated and unreasonable" attorney's fees of more than \$103,000 for work beyond the scope of the federal district court's order. Later, the lawyer testified falsely in a hearing before the federal district court by reaffirming the truth and accuracy of the itemization and the written declaration. A Hearing Panel of the Board of Professional Responsibility ("Hearing Panel") determined that the lawyer had violated four provisions of the Tennessee Rules of Professional Conduct ("RPC")—RPC 1.5(a) (Fees); RPC 3.3(a) (Candor Toward the Tribunal); RPC 3.4(b) (Fairness to Opposing Party and Counsel); and RPC 8.4(a) and (c) (Misconduct). The Hearing Panel found six aggravating and two mitigating factors and sanctioned the lawyer with a one-year active suspension and twelve additional hours of ethics continuing legal education. The Board of Professional Responsibility ("Board") and the lawyer appealed to the Chancery Court for Knox County. Tenn. Sup. Ct. R. 9, § 1.3. The trial court affirmed the Hearing Panel's findings of fact and conclusions of law but modified the sanction to disbarment. The trial court concluded that Standard 5.11 of the ABA Standards for Imposing Lawyer Sanctions ("ABA Standards"), which identifies disbarment as the presumptive sanction, applies and 07/02/2019 - 2 - that the aggravating and mitigating factors do not warrant a lesser sanction than disbarment. The lawyer appealed, and after carefully reviewing the record and applicable authorities, the Supreme Court affirmed the trial court's judgment in all respects, including its modification of the sanction to disbarment.

Disciplinary Actions

- (April, 2019 – September, 2019)
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DISBARMENTS

GREGORY ERIC SCHWARTZ, BPR #021975 FLORIDA

On April 2, 2019, Gregory Eric Schwartz, an attorney licensed to practice law in Tennessee and Florida, was disbarred from the practice of law by the Supreme Court of Tennessee retroactive to January 20, 2019. Mr. Schwartz's license to practice law in Florida was revoked by the Supreme Court of Florida by order entered November 21, 2018.

On February 27, 2019, the Supreme Court of Tennessee entered a Notice of Reciprocal Discipline directing Mr. Schwartz to demonstrate why the discipline imposed by the Supreme Court of Florida should not be similarly imposed by this Court. Mr. Schwartz provided no response to this Court.

Mr. Schwartz must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of disbarred attorneys and pay court costs within ninety days of the entry of this order.

EVERETT HOGE MECHEM, BPR #011854 SULLIVAN COUNTY

On April 3, 2019, Everett Hoge Mechem was disbarred by the Tennessee Supreme Court pursuant to Tennessee Supreme Court Rule 9, Section 12.1. Mr. Mechem must pay restitution to one client and pay the costs of the disciplinary hearing. Mr. Mechem was previously disbarred by order of the Tennessee Supreme Court entered April 28, 2017, and had not been reinstated from this disbarment.

On February 23, 2018, a Petition for Discipline was filed containing one (1) complaint of misconduct. Mr. Mechem represented clients in a personal injury lawsuit and accepted a settlement that was not authorized by his clients. Further, after depositing the settlement funds into his trust account, no distribution was made to his clients and Mr. Mechem misappropriated the funds.

Mr. Mechem entered a Conditional Guilty Plea admitting that his conduct violated Rules of Professional Conduct 1.1 (competence), 1.2(a) (scope of representation), 1.3 (diligence), 1.4 (communication), 1.15

(safekeeping property and funds), 8.1 (bar admission and disciplinary matters), and 8.4 (a), (b), (c) and (d) (misconduct).

Mr. Mechem must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of disbarred attorneys and the procedures for reinstatement.

***JOHN O. THREADGILL, BPR #001102
KNOX COUNTY***

On April 25, 2019, the Supreme Court entered an Opinion disbaring Mr. Threadgill based upon his conviction for felony income tax evasion. The disbarment is effective May 5, 2019.

The Board of Professional Responsibility filed a Petition for Final Discipline against Mr. Threadgill pursuant to Rule 9, Section 14, of the Rules of the Supreme Court of Tennessee, upon his conviction of felony income tax evasion in the United States District Court for the Eastern District of Tennessee. The disciplinary matter was tried before a Hearing Panel which imposed a third disbarment. Mr. Threadgill appealed the judgment of the Hearing Panel to the Chancery Court for Knox County which affirmed the decision of the Hearing Panel. Mr. Threadgill appealed the decision of the Chancery Court to the Supreme Court of Tennessee which affirmed the decision of the Chancery Court and imposed a third disbarment upon Mr. Threadgill.

Mr. Threadgill is responsible for the expenses and costs of the disciplinary proceedings against him, pursuant to Tennessee Supreme Court Rule 9, Section 24.3, and must comply in all respects with the requirements and obligations of disbarred attorneys as set forth in Tennessee Supreme Court Rule 9, Section 18.

***PAUL JAMES SPRINGER, BPR #021267
SHELBY COUNTY***

Effective May 24, 2019, the Supreme Court of Tennessee disbarred Paul James Springer from the practice of law. A Petition for Discipline consisting of three (3) complaints was filed May 29, 2015.

After a hearing upon the disciplinary petitions, a Hearing Panel determined Mr. Springer failed to reasonably communicate with his clients; made false representations to the court, his clients, and opposing counsel; failed to provide his clients with copies of their file; failed to comply with court orders; failed to issue summonses in a timely manner; engaged in fraud, deceit and misrepresentation; failed to file

appropriate documents in court; failed to file timely appeals; filed frivolous appeals; and made material misrepresentations to the Board of Professional Responsibility.

Mr. Springer's professional misconduct violated Rules of Professional Conduct 1.1 (competence); 1.2 (scope of representation and allocation of authority between client and lawyer); 1.3 (diligence); 1.4 (communication); 1.16 (declining or terminating representation); 3.3 (candor toward the tribunal); 3.4 (fairness to opposing party and counsel); 8.1 (bar admission and disciplinary matters); and 8.4 (misconduct).

Mr. Springer must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of disbarred attorneys and may not return to the active practice of law until an order of reinstatement has been entered by the Supreme Court.

***JUDSON WHEELER PHILLIPS, BPR #013029
DAVIDSON COUNTY***

On June 5, 2019, the Supreme Court of Tennessee disbarred Judson Wheeler Phillips from the practice of law effective immediately. Mr. Phillips must pay the court costs within ninety days of the entry of the Order of Enforcement.

Mr. Phillips consented to disbarment because he could not successfully defend himself on charges alleged in forty-one (41) pending disciplinary complaints. Tennessee Supreme Court Rule 9, Section 23, requires that Mr. Phillips' consent to disbarment be maintained under seal.

Mr. Phillips was previously disbarred on August 24, 2018. He has not been reinstated from that disbarment.

Mr. Phillips must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of disbarred attorneys and the procedures for reinstatement.

***LORING EDWARD JUSTICE, BPR #019446
TENNESSEE LAWYER***

On July 2, 2019, Loring Edwin Justice, an attorney licensed to practice law in Tennessee, was disbarred from the practice of law by the Supreme Court of Tennessee. The disbarment is effective ten (10) days from the date of the order.

Mr. Justice represented a plaintiff in a personal injury lawsuit. The federal district court imposed a discovery sanction against the defendant and ordered it to pay the attorney's fees and costs plaintiff incurred in locating

and deposing a witness the defendant failed to disclose. When Mr. Justice submitted an itemization of the fees and costs, he falsely claimed a paralegal's work as his own. Mr. Justice further submitted a written declaration that falsely claimed he had kept contemporaneous time records on the case and attested to the truth and accuracy of the itemization. In addition, Mr. Justice requested "grossly exaggerated and unreasonable" attorney's fees of more than \$103,000.00 for work beyond the scope of the federal district court's discovery sanction order. Finally, Mr. Justice testified falsely in a hearing before the federal district court by reaffirming the truth and accuracy of the itemization and the written declaration.

The Supreme Court found Mr. Justice's unethical conduct violated Rules of Professional Conduct 1.5(a) (Fees); 3.3(a) (Candor Toward the Tribunal); 3.4(b) (Fairness to Opposing Party and Counsel); and 8.4(a) and (c) (Misconduct).

Mr. Justice must comply with the requirements of Tennessee Supreme Court Rule 9 (2013), Section 18, regarding the obligations and responsibilities of disbarred attorneys and pay court costs pursuant to Section 24.3 (2013).

***ARTHUR WAYNE HENRY, BPR #009484
LOUDON COUNTY***

On July 24, 2019, Arthur Wayne Henry of Loudon, Tennessee, was disbarred from the practice of law, effective immediately, by Order of the Tennessee Supreme Court. In addition, as a condition of reinstatement, Mr. Henry must make restitution to six clients. Mr. Henry must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

In the handling of an estate, when an heir of the decedent attempted to purchase the decedent's real estate, Mr. Henry misappropriated the purchase money. When the heir of the decedent attempted to purchase the real estate a second time, Mr. Henry misappropriated the purchase money again and forged a deed in an effort to hide his actions. In the representation of a number of other clients, Mr. Henry failed to act diligently, failed to adequately communicate with his clients, failed to place unearned fees in his trust account, made misrepresentations to the clients to make them think their cases were progressing normally, and failed to advise his clients that he had been suspended. When terminated, Mr. Henry failed to refund the unearned fees and return his clients' files. Mr. Henry also failed to respond to the Board's requests for information. Mr. Henry's ethical misconduct violates Rules of Professional Conduct 1.3, Diligence; 1.4, Communication; 1.15(b) and (d), Safekeeping Property and Funds; 1.16(d), Declining and Terminating

Representation; 3.2, Expediting Litigation; 8.1(b), Bar Admission and Disciplinary Matters; and 8.4(a), (b), (c) and (g), Misconduct.

Mr. Henry must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of disbarred attorneys.

***GREGORY SCOTT NORRIS, BPR #034373
CARTER COUNTY***

Effective August 22, 2019, the Supreme Court of Tennessee disbarred Gregory Scott Norris from the practice of law and ordered him to pay restitution to eight (8) former clients, totaling \$17,360.00. Mr. Norris must pay the Board's costs and expenses and the court costs in the disciplinary proceeding within ninety days of the entry of the Order of Enforcement. On January 26, 2018, Mr. Norris was temporarily suspended by the Supreme Court which suspension is hereby dissolved.

After a trial on the merits, a Hearing Panel found that Mr. Norris failed to appear in court on numerous occasions, stopped corresponding with opposing attorneys, made incoherent arguments in court, took fees from clients for which he did little to no work, failed to advise clients of his temporary suspension, failed to communicate, failed to return files, and abandoned numerous client matters.

Mr. Norris' ethical misconduct violated Rules of Professional Conduct 1.1 (Competence); 1.3 (Diligence); 1.4 (Communication); 1.5 (Fees); 1.15 (Safekeeping Property and Funds); 1.16(d) (Declining or Terminating Representation); 3.2 (Expediting Litigation); 8.1(b) (Disciplinary Matters); and 8.4(a), (d) and (g) (Misconduct).

Mr. Norris must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of disbarred attorneys and may not return to the active practice of law until an order of reinstatement has been entered by the Supreme Court.

***JENNIFER ELIZABETH MEEHAN, BPR #022932
TENNESSEE LAWYER***

Effective September 20, 2019, Jennifer E. Meehan, an attorney licensed to practice law in Tennessee, was disbarred from the practice of law by the Supreme Court of Tennessee.

Ms. Meehan pleaded guilty to bank fraud in the United States District Court for the Northern District of Alabama. Ms. Meehan mishandled funds belonging to a sorority at the University of Alabama. She served

as president of the sorority's housing board. In that capacity, Ms. Meehan coordinated the selection and purchase of furniture and other items for the sorority house. Ms. Meehan embarked on a scheme to obtain sorority funds by submitting false invoices and using a bank checking account she opened under a fictitious name. She provided the bank with a false Employer Identification Number and a fictitious corporate resolution identifying her as the Chief Financial Officer of the fictitious corporate entity. She further retained sorority-related funds in the amount of \$234,648 in cash in a box at her home. Ms. Meehan was sentenced to prison for six months, followed by forty months of supervised release, together with restitution of \$34,815.00 and forfeiture of \$234,648.00.

The Supreme Court summarily suspended Ms. Meehan in August 2016 based on her conviction of a serious crime under Tennessee Supreme Court Rule 9, Section 22.3, and referred the matter to the Board of Professional Responsibility to initiate formal proceedings to determine the appropriate final discipline. The Supreme Court reversed the trial court and affirmed the judgment of the hearing panel disbaring Ms. Meehan.

Ms. Meehan must comply with the requirements of Tennessee Supreme Court Rule 9, Section 28, regarding the obligations and responsibilities of disbarred attorneys and pay court costs pursuant to Section 30.

SUSPENSIONS

R.W. HARDISON, BPR #009479 WILLIAMSON COUNTY

On April 17, 2019, the Supreme Court of Tennessee suspended R. W. Hardison from the practice of law for five (5) years, retroactive to his temporary suspension on August 29, 2017. Mr. Hardison must pay the Board of Professional Responsibility's costs and expenses and court costs within ninety (90) days.

The Board of Professional Responsibility filed a Petition for Discipline on November 28, 2017, including three (3) complaints of misconduct. Two (2) of the complaints arose from overdraft notices in Mr. Hardison's trust account. The third complaint resulted from a closing transaction wherein Mr. Hardison assisted a client with the refinancing of a commercial loan but failed to pay off one of the lenders in the original loan transaction. Mr. Hardison's trust account balance for the months following the loan transaction remained below the amount that should have been in the account. Mr. Hardison refunded his client the unpaid loan amount and cites his negligent oversight of the trust account as the cause for him being unaware of the unpaid loan. Mr. Hardison executed a Conditional Guilty Plea acknowledging his misconduct violated Tennessee Rules of Professional Conduct 1.15(a), (b) and (d),

Safekeeping Property and Funds; 5.3(a) and (c), Responsibilities Regarding Non-Lawyer Assistance; 8.1(b), Disciplinary Matters; and 8.4 (a) and (c), Misconduct.

Mr. Hardison must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of suspended attorneys, and may not return to the active practice of law until an order of reinstatement has been entered by the Supreme Court.

***JENNIFER ELIZABETH JONES, BPR #031850
DAVIDSON COUNTY***

On May 21, 2019, the Tennessee Supreme Court suspended Jennifer Elizabeth Jones from the practice of law for eighteen (18) months and ordered her to pay the costs of the disciplinary proceeding. The suspension is retroactive to the date of her temporary suspension of July 31, 2017.

On October 12, 2017, the Board filed a Petition for Discipline against Ms. Jones containing one complaint of misconduct. The complaint alleged that Ms. Jones, while administratively suspended from the practice of law, notified opposing counsel in an administrative matter that she represented an individual. The signature line of Ms. Jones' e-mail included the word "Esquire" after her name, included the name of the law firm where she purportedly worked, and was sent from the law firm's e-mail address. Further, Ms. Jones filed and signed pleadings containing her attorney registration number and the name of her law firm. Ms. Jones entered a Conditional Guilty Plea in this matter.

Ms. Jones' misconduct violates Rules of Professional Conduct 5.5 (unauthorized practice of law) and 8.1(b) (bar and disciplinary matters).

Ms. Jones must comply with Tennessee Supreme Court Rule 9, Sections 28 and 30.4 regarding the obligations and responsibilities of suspended attorneys.

***JAMES LESTER KENNEDY, BPR #005453
KNOX COUNTY***

On June 5, 2019, the Supreme Court of Tennessee entered an order suspending James Lester Kennedy from the practice of law for a three (3) year period, pursuant to Tennessee Supreme Court Rule 9, Section 12.2, and directing payment to the Board for all costs in the disciplinary proceeding.

Mr. Kennedy knowingly made appearances in Knox County Probate Court and filed pleadings in cases pending in New York and Pennsylvania without informing the Court and opposing counsel of his one (1) year suspension on July 20, 2017. In addition to misleading courts and opposing counsel, Mr. Kennedy failed to provide substantive responses to the Board's requests for information regarding the disciplinary complaint. Mr. Kennedy's conduct violated Rules of Professional Conduct 5.5 (unauthorized practice of law); 3.3 (candor toward the tribunal); 8.1 (bar admissions and disciplinary matters) and 8.4(a), (c), (d) and (g) (misconduct).

Mr. Kennedy was suspended from the practice of law on July 20, 2017, and has not been reinstated by the Supreme Court. Until the entry of an order reinstating Mr. Kennedy's law license, he is precluded from practicing law; using any indicia of lawyer, legal assistant, or law clerk; or maintaining a presence where the practice of law is conducted.

Mr. Kennedy must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel, of the Supreme Court's Order suspending his law license. Mr. Kennedy is required to deliver to all clients any papers or property to which they are entitled.

Mr. Kennedy must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

GEORGIA A. FELNER, BPR #013167
WILLIAMSON COUNTY

On June 28, 2019, the Supreme Court of Tennessee suspended Georgia A. Felner from the practice of law for a period of three (3) years with eighteen (18) months served on active suspension and the remainder on probation pursuant to Tennessee Supreme Court Rule 9, Sections 12.2 and 14.2. Ms. Felner is required to pay all costs in the disciplinary proceeding.

Ms. Felner sold cannabis (THC) to a confidential informant and was indicted for the sale and delivery of a Schedule VI controlled substance. Ms. Felner entered a plea of nolo contendere to both felony counts, received judicial diversion, was placed on two (2) years supervised probation beginning October 10, 2018, and prohibited from practicing law. Ms. Felner's conduct violated RPC 8.4 (b) (misconduct).

Ms. Felner must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel, of the Supreme Court's Order suspending her law license and deliver to all clients any papers or property to which they are entitled.

Ms. Felner must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

***EDWARD LEE KERSHAW, BPR #016775
GREENE COUNTY***

Effective August 2, 2019, the Supreme Court of Tennessee suspended Edward Lee Kershaw from the practice of law for a period of four (4) months, with 30 days served on active suspension and the remaining three (3) months to be served on probation, pursuant to Tennessee Supreme Court Rule 9, Section 12.2. Mr. Kershaw must pay the Board's costs and expenses and the court costs in the disciplinary proceeding within ninety days of the entry of the Order of Enforcement.

The trial court determined Mr. Kershaw made comments toward the court and asked questions of a witness which were intended for no other purpose but to embarrass the witness and disrupt the judicial proceedings; published statements in a local newspaper about the court which Mr. Kershaw knew were untrue and were intended to call into question the judge's qualifications and integrity; and published statements on social media which were made with reckless disregard and called into question the qualifications and integrity of all the judges in Greene County.

Mr. Kershaw's conduct violated Rule of Professional Conduct 3.5 (Impartiality and Decorum of the Tribunal); 4.4 (Respect for the Rights of Third Persons); 8.2 (Judicial and Legal Officials); and 8.4 (Misconduct).

Mr. Kershaw is immediately precluded from the practice of law and prohibited from using any indicia of lawyer, legal assistant, or law clerk or maintaining a presence where the practice of law is conducted. Mr. Kershaw must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending his law license and shall deliver to all clients any papers or property to which they are entitled.

Mr. Kershaw must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

THOMAS F. MABRY, BPR #009065
KNOX COUNTY

On September 23, 2019, the Supreme Court of Tennessee entered an order suspending Thomas F. Mabry from the practice of law for a period of two (2) years, pursuant to Tennessee Supreme Court Rule 9, Section 12.2, and requiring payment to the Board for all costs in the disciplinary proceeding.

Mr. Mabry failed to communicate and failed to provide competent representation and has violated Rule of Professional Conduct 1.1 (Competence); 1.2 (Scope of Representation); 1.4 (Communication); 5.5(1) (Unauthorized Practice of Law); and 8.4 (Misconduct).

Mr. Mabry is immediately precluded from accepting any new cases and must cease representing existing clients by October 23, 2019. After October 23, 2019, Mr. Mabry shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Mabry must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending his law license. Mr. Mabry is required to deliver to all clients any papers or property to which they are entitled.

Mr. Mabry must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

TEMPORARY SUSPENSIONS

WILLIAM BRANCH LAWSON, BPR #010796
UNICOI COUNTY

On May 24, 2019, the Supreme Court of Tennessee temporarily suspended William Branch Lawson from the practice of law upon finding that Mr. Lawson misappropriated funds and poses a threat of substantial harm to the public and has failed to respond to the Board regarding a complaint of misconduct. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's misappropriation of funds and failure to respond to the Board regarding a complaint of misconduct.

Mr. Lawson is immediately precluded from accepting any new cases, and he must cease representing existing clients by June 23, 2019. After June 23, 2019, Mr. Lawson shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Lawson must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending his law license. Mr. Lawson is required to deliver to all clients any papers or property to which they are entitled.

Mr. Lawson must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 12.3(d), regarding the obligations and responsibilities of temporarily suspended attorneys and the procedure for reinstatement.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Lawson may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

***JACKIE LYNN GARTON BPR #016106
DICKSON COUNTY***

On May 29, 2019, the Tennessee Supreme Court suspended Jackie Lynn Garton from the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 22.3. On April 22, 2019, Mr. Garton pled guilty to Wire Fraud in violation 18 USC §1343, Aggravated Identity Theft in violation of 18 USC §1028A, and Tax Fraud in violation of 26 USC §7206(1). Pursuant to the Order of Enforcement, the Board is to institute a formal proceeding to determine the extent of final discipline to be imposed as a result of Mr. Garton's guilty plea.

Effective November 20, 2017, Mr. Garton was temporarily suspended by the Tennessee Supreme Court for misappropriating funds and posing a threat of substantial harm to the public. Mr. Garton's temporary suspension remains in effect pending further order of the Court.

Mr. Garton must comply with Tennessee Supreme Court Rule 9, Section 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys.

***ROBERT JOHN FOY, BPR #025919
RUTHERFORD COUNTY***

On July 3, 2019, the Supreme Court of Tennessee temporarily suspended Robert John Foy from the practice of law upon finding that Mr. Foy misappropriated funds of a client and poses a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's misappropriation of a client's funds.

Mr. Foy is immediately precluded from accepting any new cases, and he must cease representing existing clients by August 2, 2019. After August 2, 2019, Mr. Foy shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Foy must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending his law license. Mr. Foy is required to deliver to all clients any papers or property to which they are entitled.

Mr. Foy must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 12.3(d), regarding the obligations and responsibilities of temporarily suspended attorneys and the procedure for reinstatement.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Foy may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

***JOHN PAUL DOYLE, BPR #009771
RUTHERFORD COUNTY***

On July 31, 2019, the Supreme Court of Tennessee temporarily suspended John Paul Doyle from the practice of law upon finding that Mr. Doyle failed to respond to the Board regarding a complaint of misconduct. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's failure to respond to the Board regarding a complaint of misconduct.

Mr. Doyle is immediately precluded from accepting any new cases, and he must cease representing existing clients by August 30, 2019. After August 30, 2019, Mr. Doyle shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Doyle must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending his law license. Mr. Doyle is required to deliver to all clients any papers or property to which they are entitled.

Mr. Doyle must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 12.3(d), regarding the obligations and responsibilities of temporarily suspended attorneys and the procedure for reinstatement.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Doyle may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

***THOMAS FRANCIS JACKSON, III, BPR #008239
SHELBY COUNTY***

On August 20, 2019, the Supreme Court of Tennessee temporarily suspended Thomas Francis Jackson, III, from the practice of law upon finding that Mr. Jackson failed to comply with a Supreme Court order entered on May 3, 2019.

Mr. Jackson is immediately precluded from accepting any new cases, and he must cease representing existing clients by September 20, 2019. After September 20, 2019, Mr. Jackson shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Jackson must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending his law license. Mr. Jackson is required to deliver to all clients any papers or property to which they are entitled.

Mr. Jackson must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 12.3(d), regarding the obligations and responsibilities of temporarily suspended attorneys and the procedure for reinstatement.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Jackson may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

***ANDREW HARRISON MALONEY, BPR #028722
DAVIDSON COUNTY***

On September 18, 2019, the Supreme Court of Tennessee temporarily suspended Andrew Harrison Maloney from the practice of law upon finding that Mr. Maloney misappropriated funds and posed a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary

suspension of an attorney's license to practice law in cases where an attorney misappropriated funds or poses a threat of substantial harm to the public.

Mr. Maloney is immediately precluded from accepting any new cases, and he must cease representing existing clients September 18, 2019. After September 18, 2019, Mr. Maloney shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted. Mr. Maloney is immediately precluded from accessing current trust accounts or opening any new trust accounts until further direction of the Court.

Mr. Maloney must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending his law license. Mr. Maloney is required to deliver to all clients any papers or property to which they are entitled.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Maloney may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

PROHIBITED FROM PRACTICING LAW IN TENNESSEE

CASSIDY TEATER KENTUCKY LAWYER

On September 25, 2019, Cassidy Teater of Louisville, Kentucky was prohibited from practicing law in Tennessee by the Supreme Court and ordered to pay restitution to two clients as a condition of reinstatement.

Ms. Teater is licensed to practice law in Kentucky and Texas. While living in Nashville, she represented individuals in the United States Immigration Court. After accepting fee payments for representation in two immigration cases, Ms. Teater ceased communicating with her clients and failed to perform the services for which she was paid.

Ms. Teater's ethical misconduct violates Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.16 (termination of representation), 3.2 (expediting litigation), and 8.4(a) (misconduct). Ms. Teater must pay the court costs within ninety (90) days of the entry of the order.

Ms. Teater must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of disbarred attorneys and the procedures for reinstatement.

PUBLIC CENSURES

ALAN GEORGE WARD, BPR #18949 BENTON COUNTY

On April 8, 2019, Alan George Ward, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Ward failed to timely file a Motion for New Trial for a criminal client which limited appellate review solely to sufficiency of the evidence. Mr. Ward then failed to timely file an appeal which resulted in the dismissal of his client's appeal. Mr. Ward also failed to timely file appellate briefs for the client even after being directed to do so by the court.

By these acts, Alan George Ward, has violated Rule of Professional Conduct 1.3 (diligence), 3.2 (expediting litigation), 3.4(c) (disobeying obligation under rules of a tribunal), and 8.4(a)(d) (misconduct), and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

LISA BOWMAN LUTHRINGER, BPR #017972 HAMILTON COUNTY

On April 8, 2019, Lisa Bowman Luthringer, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

After being retained in a child visitation case in November of 2012, Ms. Luthringer waited over seven months to file a motion for mediation. The case languished another thirteen months until October of 2014, when she finally filed a motion to modify the parenting plan. Ms. Luthringer waited another nineteen months to file a motion to set the case for a hearing. By the time the parties completed discovery, another year and a half had passed.

By failing to take reasonable steps to litigate the Complainant's case in a timely fashion, Ms. Luthringer has violated Rule of Professional Conduct 1.3 (diligence) and 3.2 (expediting litigation) and is hereby Publicly Censured for this violation.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

***JUSTIN GREY WOODARD, BPR #26709
HAMILTON COUNTY***

On April 11, 2019, Justin Grey Woodward, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Woodward represented a client in a domestic relations matter. During the representation, Mr. Woodward created a conflict of interest by exchanging sexually explicit text messages and emails with his client. There was a significant risk that Mr. Woodward's personal interests materially limited his representation of the client.

By these acts, Justin Grey Woodward created a concurrent conflict of interest in his representation of this client in violation of Rule 1.7(a)(2) (conflict of interest) and is hereby publicly censured for this violation.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

***LEWIS K. GARRISON, BPR #008311
SHELBY COUNTY***

On April 16, 2019, Mr. Garrison was publicly censured by Order of the Tennessee Supreme Court. Mr. Garrison must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

A petition for discipline was filed against Mr. Garrison on June 20, 2017. Mr. Garrison represented a client in a personal injury claim arising from an automobile accident. Mr. Garrison provided financial assistance to his client by paying the deposit so that the client might obtain a rental car and by advancing money to the client from a settlement with which to pay the client's rent. Mr. Garrison had been disciplined on four prior occasions for improperly providing financial assistance to clients. A hearing panel found that Mr. Garrison had violated the Rules of Professional Conduct and recommended that he be publicly censured.

Mr. Garrison's ethical misconduct violates Rules of Professional Conduct 1.8(e), Conflict of Interest; and 8.4(a), Misconduct.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

***JOYCE DIANE BRADLEY, BPR #015784
SHELBY COUNTY***

On April 18, 2019, Joyce Diane Bradley, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

On August 22, 2018, Ms. Bradley's license to practice law was suspended for CLE noncompliance. Notwithstanding the administrative suspension, Ms. Bradley continued to practice law thereafter by appearing in court and discussing clients' cases with other attorneys.

By these acts, Ms. Bradley is in violation of Rule of Professional Conduct 5.5 (unauthorized practice of law) and is hereby Publicly Censured for this violation.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

***KEVIN S. LATTA, BPR #024563
MAURY COUNTY***

On April 30, 2019, Kevin S. Latta, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Latta represented a criminal defendant in post-trial proceedings and on appeal. Over the course of two years, he failed to respond in any way to five orders from the court of appeals instructing him to inform the court of the status of the appeal, and he failed to respond to three court orders setting deadlines to file his appellate brief. Mr. Latta also failed to adequately communicate with and respond to inquiries from his client. In mitigation, the court permitted the client's appeal to move forward.

By these acts, Mr. Latta has violated Rules of Professional Conduct 1.3 (diligence), 3.4(c) (fairness to opposing party and counsel), 1.4 (communication) and 8.4(d) (prejudice to the administration of justice) and is hereby publicly censured for these violations with the condition that he engage a practice monitor as set

forth in Tennessee Supreme Court Rule 9, Section 12.9, for a period of one year for the purpose of monitoring Mr. Latta's office management.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

***KAY JEFFREY LUETHKE, BPR #015534
SULLIVAN COUNTY***

On May 10, 2019, Kay Jeffrey Luethke, an attorney licensed to practice law in Tennessee and Virginia, was publicly censured by Order of the Tennessee Supreme Court. On January 25, 2019, Mr. Luethke was publicly reprimanded without terms by the Tenth District Subcommittee of Virginia for misconduct violating Virginia Rules of Professional Conduct 1.3 (diligence) and 1.6 (declining or terminating representation).

On March 22, 2019, the Supreme Court of Tennessee entered a Notice of Reciprocal Discipline directing Mr. Luethke to demonstrate why the discipline imposed by the Disciplinary Board of the Tenth District Subcommittee of Virginia should not be similarly imposed by this Court. Mr. Luethke filed a response on April 22, 2019, but failed to demonstrate reciprocal discipline was unwarranted.

A public censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

***CARLOS E. MOORE, BPR #028649
TENNESSEE***

On May 13, 2019, the Tennessee Supreme Court imposed a Public Censure on attorney Carlos E. Moore of Grenada, Mississippi.

Mr. Moore represented the plaintiff in a personal injury case. His contingency fee agreement provided, "Should I refuse to make any settlement which my attorneys advise me is reasonable and should be taken, then I understand that I am responsible for their fee on the basis of that offer, unless they waive this provision." Mr. Moore recommended that his client accept a settlement offer, his client refused and Mr. Moore moved to withdraw as his client's attorney.

A hearing panel found that Mr. Moore had violated the Rules of Professional Conduct and recommended that he be publicly censured. Mr. Moore appealed the decision to the Shelby County

Chancery Court, which affirmed the decision of the hearing panel. Mr. Moore then appealed to the Tennessee Supreme Court. The Tennessee Supreme Court affirmed the judgment of the trial court.

The Supreme Court found that Mr. Moore violated Rules of Professional Conduct 1.5, Fees; 1.8, Conflicts of Interest; and 8.4(a), Misconduct, because his fee was not contingent on the eventual recovery but rather on his client's refusal to accept the settlement offer that he advised to be accepted.

A public censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

***DANIEL GRAHAM BOYD, BPR #22448
HAWKINS COUNTY***

On June 25, 2019, Daniel Graham Boyd was publicly censured by Order of the Tennessee Supreme Court. Mr. Boyd must pay the Board's costs and expenses.

On June 22, 2018, the Board filed a Petition for Discipline alleging that Mr. Boyd failed to diligently represent his clients in a boundary line dispute and failed to adequately communicate with them. Mr. Boyd entered into a conditional guilty plea admitting that his actions violated Rules of Professional Conduct 1.3 (Diligence); 1.4 (Communication); 3.2 (Expediting Litigation) and 8.4(a) (Misconduct).

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

***SUMMER M. RHODEN, BPR #33802
SHELBY COUNTY***

On July 1, 2019, Summer M. Rhoden, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Ms. Rhoden's son was charged with first-degree murder on July 6, 2017. He appeared at Ms. Rhoden's home on the afternoon of July 6, 2017. Ms. Rhoden failed to contact law enforcement or facilitate his surrender until the following morning. Ms. Rhoden was charged as an accessory after the fact as a result of this delay. Ms. Rhoden pled guilty on March 8, 2019 to a reduced misdemeanor charge of criminal attempt.

By these acts, Summer M. Rhoden, has violated Rule of Professional Conduct 8.4(b) (criminal conduct) and is hereby Publicly Censured for this violation.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

***JAMES RADFORD SMITH, BPR #21017
RUTHERFORD COUNTY***

On July 1, 2019, James Radford Smith, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Smith agreed to represent a client in a pending petition for post-conviction relief. Mr. Smith failed to obtain consent from his client before accepting fees from a third party and did not maintain good communication with his client throughout the representation. After entering appearance in the action, Mr. Smith failed to file an amended petition by the deadline prescribed by the Court and filed an untimely appeal after the petition was denied. After completing the representation but still in possession of the client file, Mr. Smith decided to close his law office. The client file was inadvertently destroyed by the moving company hired by Mr. Smith in connection with the closure of his law office due to Mr. Smith's failure to specify the client files and other office documents that needed to be preserved.

By these acts, James Radford Smith has violated Rules of Professional Conduct 1.1 (competence); 1.3 (diligence); 1.4(a) (communication); 1.8(f) (payment of fees by a third party without client consent); 1.15 (safekeeping client property); and 3.2 (expediting litigation) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

***GERALD TODD EIDSON, BPR #017342
HAWKINS COUNTY***

On July 10, 2019, Gerald Todd Eidson, a Tennessee licensed attorney, was publicly censured by the Supreme Court of Tennessee. Additionally, Mr. Eidson must engage a practice monitor at his own expense and meet with the practice monitor on a monthly basis to review basic office procedures. Mr. Eidson was ordered to pay the costs and expenses of the Board.

The Board of Professional Responsibility filed a Petition for Discipline on May 8, 2018 concerning one (1) complaint of misconduct. Mr. Eidson was appointed to represent an incarcerated client who had filed

a *pro se* petition for post-conviction relief. Mr. Eidson failed to adequately communicate with his client and did not act diligently. As a result, the *pro se* petition for post-conviction was dismissed by the trial court. Mr. Eidson was able to have the order of dismissal set aside, and the client was appointed new counsel. Mr. Eidson executed a Conditional Guilty Plea acknowledging that his misconduct violated Tennessee Rules of Professional Conduct 1.3 (diligence), 1.4 (communication) and 8.4(a) (misconduct).

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

***JAMES GREGORY KING, BPR #17439
DAVIDSON COUNTY***

On July 12, 2019, James Gregory King, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. King agreed to represent a married couple in pursuing civil claims after being harassed on social media. Mr. King failed to adequately confirm the scope of the representation or the amount of his fee and did not deposit unearned fee payments into escrow. Mr. King also took no action on behalf of his clients and failed to maintain good communication during the representation.

By these acts, James Gregory King has violated Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4(a) (communication), 1.5(b) (defining the scope of representation), and 1.15 (safeguarding client funds), and is hereby Publicly Censured for these violations. As a condition of this public censure, Mr. King shall be required to refund \$795 in fees and prepaid costs to his clients within sixty (60) days of issuance of the public censure.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

***EDWIN CHARLES LEE LENOW, BPR #4401
SHELBY COUNTY***

On July 12, 2019, Edwin Charles Lee Lenow, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Lenow represented a client in a contested divorce proceeding. A special master was appointed to oversee a hearing to equitably divide marital assets and liabilities. Mr. Lenow's client brought a letter to the

hearing which was purported to be from the plan administrator of pension funds within the marital estate. Mr. Lenow's client referenced the letter during her testimony but the letter was not introduced into evidence. After the hearing but before the special master filed her findings and recommendations, opposing counsel told Mr. Lenow that Mr. Lenow's client forged the letter. Mr. Lenow was not provided with any evidence to support this allegation. Mr. Lenow did not address this issue with his client or take any steps to assess the validity of opposing counsel's accusation. Instead, Mr. Lenow contacted the special master, ex parte, and advised that the letter had been forged.

By these acts, Edwin Charles Lee Lenow has violated Rules of Professional Conduct 1.4(a) (communication), 3.3 (candor toward the tribunal), and 3.5(b) (ex parte communication with a judge, juror, prospective juror, or other official), and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

***JAMES GREGORY KING, BPR #17439
DAVIDSON COUNTY***

On July 12, 2019, James Gregory King, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. King agreed to represent a married couple in pursuing civil claims after being harassed on social media. Mr. King failed to adequately confirm the scope of the representation or the amount of his fee and did not deposit unearned fee payments into escrow. Mr. King also took no action on behalf of his clients and failed to maintain good communication during the representation.

By these acts, James Gregory King has violated Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4(a) (communication), 1.5(b) (defining the scope of representation), and 1.15 (safeguarding client funds), and is hereby Publicly Censured for these violations. As a condition of this public censure, Mr. King shall be required to refund \$795 in fees and prepaid costs to his clients within sixty (60) days of issuance of the public censure.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

EDWIN CHARLES LEE LENOW BPR #4401

SHELBY COUNTY

On July 12, 2019, Edwin Charles Lee Lenow, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Lenow represented a client in a contested divorce proceeding. A special master was appointed to oversee a hearing to equitably divide marital assets and liabilities. Mr. Lenow's client brought a letter to the hearing which was purported to be from the plan administrator of pension funds within the marital estate. Mr. Lenow's client referenced the letter during her testimony but the letter was not introduced into evidence. After the hearing but before the special master filed her findings and recommendations, opposing counsel told Mr. Lenow that Mr. Lenow's client forged the letter. Mr. Lenow was not provided with any evidence to support this allegation. Mr. Lenow did not address this issue with his client or take any steps to assess the validity of opposing counsel's accusation. Instead, Mr. Lenow contacted the special master, ex parte, and advised that the letter had been forged.

By these acts, Edwin Charles Lee Lenow has violated Rules of Professional Conduct 1.4(a) (communication), 3.3 (candor toward the tribunal), and 3.5(b) (ex parte communication with a judge, juror, prospective juror, or other official), and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

ELIZABETH ANN SHIPLEY, BPR #032721
PUTNAM COUNTY

On July 16, 2019, Elizabeth Ann Shipley, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

This public censure arose out of two disciplinary complaints brought against Ms. Shipley. In the first disciplinary complaint, Ms. Shipley was tardy in the payment of restitution to a former client which had been made a condition of an earlier public censure.

The second disciplinary complaint arose out of an overdraft on Ms. Shipley's trust account. On October 22, 2018, Ms. Shipley received \$500 from clients in connection with a custody case. The funds were for the pre-payment of the clients' portion of attorney fees to the court appointed guardian ad litem. Ms. Shipley initially deposited the funds into escrow, but later transferred them to her operating account. On December 3, 2018, Ms. Shipley instructed her assistant to forward the funds to the Court Clerk's Office but

failed to specify that the funds were no longer in escrow. Ms. Shipley's assistant issued a check to the Court Clerk's Office on the trust account, resulting in the overdraft.

By these acts, Elizabeth Ann Shipley has violated Rules of Professional Conduct 1.15 (safeguarding client property) and 8.4(d) (conduct prejudicial to the administration of justice) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

HAROLD SCOTT SAUL, BPR #023000
DAVIDSON COUNTY

On July 15, 2019, Harold Scott Saul, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

In one complaint, Mr. Saul delayed in the drafting and execution of the documents evidencing a divorce settlement and then failed to file the documents with the Court. In another complaint, Mr. Saul agreed to draft a buy-sell agreement but took no action for six months after agreeing to handling the matter. In both complaints, Mr. Saul failed to respond to client phone calls and other inquiries about the status of the representation.

By these acts, Mr. Saul, has violated Rules of Professional Conduct 1.3 (Diligence) and 1.4 (Communication) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

URURA MAYERS, BPR #023319
SHELBY COUNTY

On July 15, 2019, Urura Mayers, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Ms. Mayers presented a check drawn on her trust account to a court clerk's office for payment of a filing fee before client funds covering the cost of the filing fee had been deposited into her trust account, resulting in an overdraft. Ms. Mayers also failed to properly supervise a legal assistant who used the trust account to pay personal expenses.

By these acts, Ms. Mayers, has violated Rule of Professional Conduct 1.15 (Safekeeping Property and Funds) and 5.3 (Responsibilities Regarding Non-Lawyer Assistants) and is hereby Publicly Censured for this violation.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

***WANDA X. ABIOTO,
MISSISSIPPI LAWYER***

On July 18, 2019, Wanda X. Abioto, an attorney licensed to practice law in Mississippi, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Ms. Abioto is licensed to practice law in Mississippi and is only authorized to practice in Tennessee before the United States District Court for the Western District of Tennessee. Ms. Abioto was retained to represent a Mississippi family in a claim for injuries which occurred in Mississippi against a food manufacturer and distributor which sold the product in Mississippi. Ms. Abioto used business cards and letterhead with addresses in Memphis. Ms. Abioto's business card listed a variety of practice areas but did not contain a disclaimer indicating she was not licensed to practice in Tennessee.

Ms. Abioto was not diligent in the preparation and filing of a civil complaint for her clients, but eventually filed a complaint with the United States District Court for the Western District of Tennessee, which was not an appropriate venue. Ms. Abioto failed to comply with a court order setting a deadline for service upon the defendants and the civil action was dismissed. Ms. Abioto subsequently re-filed the complaint in the same court and successfully served the defendants. The civil action was quickly dismissed because Ms. Abioto relied upon Mississippi's longer statute of limitations deadlines instead of Tennessee's deadlines which had expired at the time the action was filed. Ms. Abioto thereafter filed the only remaining cause of action in Mississippi state court without the knowledge or consent of her clients and formally withdrew from the representation without serving any of the defendants in the case.

By these acts, Wanda X. Abioto has violated Rule of Professional Conduct 1.1 (competence), 1.2 (scope of representation), 1.3 (diligence), 1.4 (communication), 3.1 (meritorious claims), 3.4(c) (disobeying obligation under rules of tribunal), 7.1 (communications concerning lawyer's services), and 8.4(a)(d) (misconduct) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

***LAWRENCE EMORY LITTLE, BPR #9539
BLOUNT COUNTY***

On July 18, 2019, Lawrence Emory Little, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

In Mr. Little's role as fiduciary, he failed to diligently administer trust and estate matters and did not adequately communicate with the beneficiaries. Mr. Little failed to safeguard trust and estate funds collected on behalf of beneficiaries and failed to keep adequate records of the administration of such matters. Mr. Little also failed to comply with an agreed court order requiring that he provide his complete file to successor counsel and provide a full and accurate accounting of an estate within 30 days.

By these acts, Lawrence Emory Little has violated Rule of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.15(d) (safekeeping property), 3.4(c) (disobeying obligation under rules of tribunal), 5.7 (law related services), and 8.4(a)(d) (misconduct) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

***LARRY JOE HINSON, BPR #23286
LEWIS COUNTY***

On July 18, 2019, Larry Joe Hinson, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Hinson was paid \$1,500 to represent his client in a divorce action. Mr. Hinson did not have a written fee agreement and was suspended from the practice of law before he could conclude the representation. Mr. Hinson offered to reimburse \$750.00 to his client, but failed to respond to requests from the Board for compliance with such obligation. Mr. Hinson only recently confirmed that he reimbursed funds to his client. Mr. Hinson also failed to comply with his notice obligations for suspended attorneys requiring him to file an affidavit with the Board.

By these acts, Larry Joe Hinson has violated Rule of Professional Conduct 1.5 (fees), 3.4(c) (disobeying an obligation under rules of tribunal), and 8.1(b) (disciplinary matters) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

***JOHN TERENCE TENNYSON, BPR #32777
DAVIDSON COUNTY***

On July 19, 2019, John Terence Tennyson, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Tennyson entered into a written agreement with his client for representation in a civil matter to be specifically filed in federal court. The agreement required payment of a \$5,000.00 flat fee plus a contingent fee based upon recovery by settlement or judgment. The fee was not designated as a non-refundable fee and a penalty provision required his client to pay Mr. Tennyson at the rate of \$370.00 per hour for his time if the representation was terminated. Mr. Tennyson was not diligent in the preparation and filing of the civil action despite regular assurances that it would be filed soon. Mr. Tennyson's non-lawyer assistant inappropriately discussed legal matters directly with his client. After his client terminated the legal representation, Mr. Tennyson filed a civil action in state court without the client's consent. Mr. Tennyson failed to timely serve summons upon the defendants and failed to formally withdraw from the action. The case was ultimately dismissed for lack of prosecution. Mr. Tennyson acknowledged that he did not keep contemporaneous billing records of his time nor did he have an itemized billing statement and was thus required to provide the unearned portion of his fee to his client.

By these acts, John Terence Tennyson has violated Rule of Professional Conduct 1.2 (scope of representation), 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.15(d) (safekeeping property), 1.16 (terminating representation), 3.2 (expediting litigation), 3.4(c) (disobeying obligation under rules of tribunal), 5.3 (responsibilities regarding non-lawyer assistance), and 8.4(a)(d) (misconduct) and is hereby Publicly Censured for these violations. As a condition of the Public Censure, Mr. Tennyson shall be required to reimburse \$2,500.00 in fees directly to his client within 90 days of the date set forth herein.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

***TIFFANY MARCILYNNE JOHNS, BPR #027860
WILLIAMSON COUNTY***

On July 24, 2019, Tiffany Marcilynne Johns, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Ms. Johns was hired to defend a client on a petition for contempt. The petition alleged that Ms. Johns' client had sent text messages to a neighbor in violation of an order of protection. Prior to any evidentiary hearing on the matter, Ms. Johns recommended that her client settle the matter by paying the neighbor's alleged lost wages and attorney fees, without any proof of the wages provided, in a total amount "up to \$5,000." Ms. Johns and opposing counsel believed an agreement had been reached on these terms, but over the next two weeks, Ms. Johns' client sent her two text messages and an email indicating she did not believe the matter had been settled.

Opposing counsel then provided a draft order for Ms. Johns' approval which stated that Ms. Johns' client would pay the neighbor \$5,500. Ms. Johns told opposing counsel to sign her name to the order without providing a copy of it to her client for review.

By these acts, Ms. Johns has violated Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), and 1.4 (communication) and is hereby Publicly Censured for these violations. A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

DISABILITY INACTIVE

***J. LESTER CRAIN, BPR #008083
SHELBY COUNTY***

By Order of the Tennessee Supreme Court entered April 18, 2019, the law license of J. Lester Crain was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Crain cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed, and he is fit to resume the practice of law.

***CHARLES IRVIN POOLE, BPR #013107
BLOUNT COUNTY***

By Order of the Tennessee Supreme Court entered May 1, 2019, the law license of Charles Irvin Poole was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Poole cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

***BARTON F. ROBISON, BPR #0111962
HENRY COUNTY***

By Order of the Tennessee Supreme Court entered May 6, 2019, the law license of Barton F. Robison was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Robison cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

***RENFRO BLACKBURN BAIRD, III, BPR #013150
HAWKINS COUNTY***

By Order of the Tennessee Supreme Court entered May 13, 2019, the law license of Renfro Blackburn Baird, III was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Baird cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

***JOHN HARLEY FOWLER, BPR #001831
KNOX COUNTY***

By Order of the Tennessee Supreme Court entered May 22, 2019, the law license of John Harley Fowler was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Fowler cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

***GILBERT HENRY JACOBSON, BPR #011285
SHELBY COUNTY***

By Order of the Tennessee Supreme Court entered June 18, 2019, the law license of Gilbert Henry Jacobson was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Jacobson cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

***ROBERT BARROW SWEENEY, BPR #006478
MAURY COUNTY***

By Order of the Tennessee Supreme Court entered June 20, 2019, the law license of Robert Barrow Sweeney was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Sweeney cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

***JACKIE WALTERS ROZIER, BPR #026158
TENNESSEE LAWYER***

By Order of the Tennessee Supreme Court entered July 12, 2019, the law license of Jackie Walters Rozier of Oxford, Mississippi was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Ms. Rozier cannot practice law while on disability inactive status. She may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and she is fit to resume the practice of law.

***CHERYL L. McCLARY, BPR #010038
TENNESSEE LAWYER***

By Order of the Tennessee Supreme Court entered July 16, 2019, the law license of Cheryl L, McClary of North Carolina, was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Ms. McClary cannot practice law while on disability inactive status. She may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and she is fit to resume the practice of law.

***CHARLES GILMAN CURRIER, BPR #010417
KNOX COUNTY***

By Order of the Tennessee Supreme Court entered July 19, 2019, the law license of Charles Gilman Currier was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Currier cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

***TRACEY ALICE BERRY, BPR #023508
WASHINGTON COUNTY***

By Order of the Tennessee Supreme Court entered July 30, 2019, the law license of Tracey Alice Berry was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Ms. Berry cannot practice law while on disability inactive status. She may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and she is fit to resume the practice of law.

***SANDRA LEAH WELLS, BPR #026655
WILLIAMSON COUNTY***

By Order of the Tennessee Supreme Court entered August 9, 2019, the law license of Sandra Leah Wells was transferred to disability inactive status pursuant to Section 27.4 of Tennessee Supreme Court Rule 9.

Ms. Wells cannot practice law while on disability inactive status. She may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and she is fit to resume the practice of law.

***DREW JUSTIN CANALE, BPR #009920
FAYETTE COUNTY***

By Order of the Tennessee Supreme Court entered August 21, 2019, the law license of Drew Justin Canale, Jr. was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9. Mr. Canale cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

DEIDRE LYNN SMITH, BPR #018499
SHELBY COUNTY

By Order of the Tennessee Supreme Court entered September 6, 2019, the law license of Deidre Lynn Smith was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9. Ms. Smith cannot practice law while on disability inactive status. She may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and she is fit to resume the practice of law.

REINSTATEMENTS

CHARLES EDWARD DANIEL, BPR #014016
KNOX COUNTY

On June 17, 2019, the Supreme Court of Tennessee reinstated Charles Edward Daniel to the practice of law effective June 18, 2019. Mr. Daniel had been suspended by the Supreme Court of Tennessee for three (3) years on June 8, 2018, with one (1) year to be served on active suspension and the remaining two (2) years on probation. Mr. Daniel filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4. The Board found that the Petition was satisfactory and submitted an Order of Reinstatement to the Court.

PATRICK MICHAEL KELLEY, BPR #31596
WILLIAMSON COUNTY

On June 17, 2019, the Tennessee Supreme Court entered an Order dissolving the disability status of Patrick Michael Kelley previously entered May 30, 2018.

Although the disability status has been removed, the Court determined Mr. Kelley's license would remain inactive until the resolution of any disciplinary proceedings pending before the Board of Professional

Responsibility and the satisfaction of any outstanding continuing legal education obligations. Mr. Kelley is required to pay the costs and expenses of his reinstatement proceedings to the Court and to the Board of Professional Responsibility.

***BRIAN PHILIP MANOOKIAN, BPR #026455
DAVIDSON COUNTY***

Brian Philip Manookian has been reinstated to the practice of law by Order of the Tennessee Supreme Court entered May 17, 2019. Mr. Manookian must comply with certain conditions set out in a sealed report and recommendation. Mr. Manookian is also ordered to pay the Board's costs in this matter.

Mr. Manookian was temporarily suspended from the practice of law by Order of the Supreme Court on September 21, 2018, for posing a threat of substantial harm to the public. On April 9, 2019, Mr. Manookian filed a Petition for Dissolution of Order of Temporary Suspension. On May 6, 2019, a Board Panel entered a sealed report and recommendation that the temporary suspension be dissolved with conditions.

***LOVEMORE NYASHADZASHE GORORO, BPR #036386
DAVIDSON COUNTY***

By Order of the Tennessee Supreme Court entered June 6, 2019, the law license of Lovemore Nyashadzashe Gororo was transferred from disability inactive status to active status pursuant to Section 27.8 of Tennessee Supreme Court Rule 9.

On September 26, 2018, Mr. Gororo was placed on disability inactive status. Mr. Gororo filed a Petition for Reinstatement Pursuant to Tennessee Supreme Court Rule 9, Section 27.7, on April 23, 2019. By Order of the Tennessee Supreme Court, Mr. Gororo has been judicially declared to be competent and is fit to resume the practice of law in the State of Tennessee.

***TED AUSTIN BURKHALTER, JR., BPR #020674
BLOUNT COUNTY***

On July 9, 2019, the Supreme Court of Tennessee reinstated Ted Austin Burkhalter to the practice of law effective July 9, 2019. Mr. Burkhalter was suspended by the Supreme Court of Tennessee for one (1) year on June 18, 2018. Mr. Burkhalter filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4(c) on June 18, 2019. The Board found that the Petition was satisfactory and submitted an Order of Reinstatement to the Court.

***EDWARD LEE KERSHAW, BPR #016775
GREEN COUNTY***

On September 6, 2019, the Supreme Court of Tennessee reinstated Edward Lee Kershaw to the practice of law. Mr. Kershaw had been suspended by the Supreme Court of Tennessee on August 2, 2019, for a period of four (4) months, with one (1) month served on active suspension and the remaining three (3) months on probation, pursuant to Tennessee Supreme Court Rule 9, Section 12.2. Mr. Kershaw filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4c. The Board found the Petition satisfactory and submitted an Order of Reinstatement to the Court.

***WALTER ALAN ROSE, BPR #028903
RUTHERFORD COUNTY***

On September 27, 2019, the Supreme Court of Tennessee reinstated Walter Alan Rose to the practice of law effective September 27, 2019, conditioned upon execution of a monitoring agreement with Tennessee Lawyers Assistant Program (TLAP); engagement of a practice monitor; and completing six (6) additional hours of CLE in addition to the required fifteen (15) hours for 2019.

Mr. Rose had been suspended by the Supreme Court of Tennessee on January 11, 2017, for a period of three (3) years, retroactive to October 30, 2015.

Mr. Rose filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4(d). The Hearing Panel found Mr. Rose presented clear and convincing evidence that he had the moral qualifications, competency and learning in law required for admission to practice law in this State, and that the resumption of the practice of law within the State would not be detrimental to the integrity and standing of the bar or the administration of justice, or subversive to the public interest.

***KURT JOSEPH POMRENKE, BPR #015327
TENNESSEE LAWYER***

On September 27, 2019, the Supreme Court of Tennessee reinstated Kurt Joseph Pomrenke to the practice of law. Mr. Pomrenke had been suspended by the Virginia State Bar Disciplinary Board on November 27, 2018 for a period of nine (9) months. Pursuant to Tennessee Supreme Court Rule 9, Section 12.2, Mr. Pomrenke was suspended from the practice of law by Order of this Court, dated March 15, 2019. Mr. Pomrenke filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court

Rule 9, Section 30.4c. The Board found the Petition satisfactory and submitted an Order of Reinstatement to the Court.