

BOARD NOTES

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of the
Supreme Court of Tennessee

Spring 2019



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Greeting from Floyd Flippin

Chair, Board of Professional Responsibility

This is my first year to be Chairman. It's an honor to serve on the Board. There is a strong team working with me to protect the public and to make sure the Rules of Professional Conduct are fairly applied to all lawyers practicing in Tennessee.

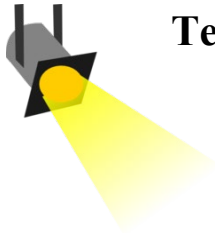
Let me introduce you to the team. There are 11 other Board members from all three Grand Divisions of our State. The 9 lawyers on the Board have varied law practices in varying size firms in big cities and small towns. We are also blessed to have three lay people on our Board, a Deputy Chief of Police, a veteran banker and another member who is a retired Navy Captain, a business leader and a member of the Tennessee State Senate.

The twelve-member Board is supported by a variety of fine people led by Chief Disciplinary Counsel, Sandy Garrett. Her staff includes 11 other fine lawyers who all were private practicing lawyers prior to coming to the Board. Collectively, they have tried cases jury and non-jury), made Appellate arguments and represented businesses and individuals throughout Tennessee. These 12 lawyers are supported by an outstanding support staff of 21 of the finest men and women one could hope for.

We have 170 Hearing Panel Members who, like our twelve-member Board, are from all three Grand Divisions of our State and who come from law practices that involve every aspect of law there is in Tennessee. They are in all respects a "jury of our peers."

Who does this team govern? It governs 23,133 active Tennessee licensed attorneys. On any given day, our staff of 12 lawyers and 21 support staff provides Advisory Opinions, reviews Complaints, provides Consumer Assistance information and prepares matters for hearing all the way through the Tennessee Supreme Court.

I hope that as you review these Board Notes that you will, like me, be comforted to know that such a fine group of folks considers each and every phone call, letter and complaint.



Tennessee Supreme Court Approves Amendments to Tennessee Supreme Court Rule 7

By: Lisa Perlen, Executive Director
Tennessee Board of Law Examiners

The Tennessee Supreme Court approved amendments to Tennessee Supreme Court Rule 7 which governs licensing of attorneys in Tennessee, effective March 29, 2019. An Order soliciting comments on the proposed changes was entered on January 17, 2019. Links to the Order and rule revisions can be found at the end of this article.

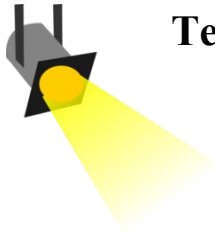
After many changes to Rule 7 in recent years, including the adoption of the Uniform Bar Examination (UBE) and Tennessee Law Course, practice pending admission provisions, and temporary licensing for the spouse of a military servicemember, the Board and Supreme Court reviewed the balance of the licensing rule, some parts of which had not been revised in many years. The most recent changes reflect a universal review of the rule with key changes to practice pending admission, in-house counsel registration by non-Tennessee lawyers, and the rules governing law students working under supervision of faculty.

As part of the holistic review, the rule was reformatted to a consistent numbering convention for ease in citation. Further, emphasis was placed on ensuring that each section was properly placed in the corresponding Articles of the Rule based on the type of admission. Prior to the adoption of the UBE, to be licensed in Tennessee an applicant was required either to take the Tennessee bar examination or seek admission based on years of practice. With the adoption of the UBE and acceptance of transferred UBE scores, the focus shifts to licensing by exam score or licensing based on time engaged in the active practice of law.

For example, former section 5.01(g) permitted applicants who were licensed in another U.S. jurisdiction to register to practice pending admission. Section 5.01(g) could be found in Article V, Admission without Examination. However, more applicants who are licensed in another jurisdiction are applying for admission by exam or by transferred UBE score; they aren't waiting until they have been licensed and engaged in the active practice of law for at least 5 years before seeking admission in Tennessee. Since practice pending admission applies to anyone seeking admission who is licensed in another jurisdiction, the section has been moved to Article X, Special or Limited Practice, as new section 10.07.

Likewise, former section 3.08, "Duty of Candor," and section 3.09, "False Information," apply to all applicants. These sections have been moved to sections 6.04 and 6.05, related to Character and Fitness Investigations.

The holistic approach to the Rule resulted in a major change to Article II, Educational Requirements for Admission. Former sections 2.03 through 2.15 governed Tennessee Law Schools but did not relate to an *applicant's* educational requirements for admission. These provisions have been moved to new Article XVII. The renumbered sections specify the duties and responsibilities of the Board of Law Examiners and Tennessee law schools, and take into account the effect of law school accreditation by the American Bar Association Section of Legal Education and Admissions to the Bar. New law schools in Tennessee must be approved by the Board and seek ABA



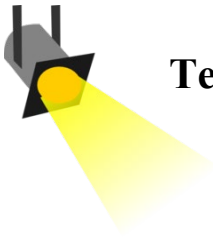
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accreditation. Nashville School of Law will continue as a Tennessee-approved law school and its graduates remain eligible to take the bar examination.

Other amendments include:

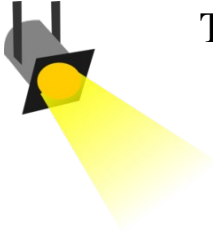
- The limitation on admission by transferred UBE score or without examination for applicants who were previously unsuccessful on the Tennessee bar examination has been removed. The restriction was contrary to the intent of the adoption of the Uniform Bar Examination, where a passing UBE score would be similar to a subsequent re-examination score. Further, the provision is not relevant for admission without examination as time in practice is the measure rather than an examination score.
- For all forms of admission, there are new provisions regarding the expiration of the application. *See* §§ 3.04 and 5.03.
- Sections 3.05 and 4.07 were amended to clarify that a transferred UBE score is valid for admission for otherwise expired UBE scores for up to but no more than 5 years, if practice requirements are met.
- Section 7.01 was amended to provide that foreign-educated applicants who meet the eligibility requirements may seek admission by transferred UBE score.
- Several changes were made to section 10.01, In-House Counsel:
 - Foreign lawyers must register as In-House Counsel under section 10.01(a). By statute, foreign lawyers are permitted to serve as counsel in Tennessee for the purpose of providing counsel and opinions regarding the law of the country in which the foreign lawyer is licensed. *See* Tenn. Code Ann. § 23-2-106. The amendments to Rule 7 require foreign lawyers serving as In-House Counsel to register as required of other In-House Counsel; however, a foreign lawyer will not be permitted to provide pro bono service. Anyone presently serving as foreign legal counsel is given until September 30, 2019, to register as In House Counsel without penalty.
 - Section 10.01(i) was added to clarify that the protections against unauthorized practice of law apply only to those who timely register as In-House Counsel. Those working in-house who choose to apply for admission by exam score or without examination must register for practice pending admission under section 10.07 upon commencement of practice in Tennessee.



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- There is a new late registration provision, section 10.01(h), permitting in-house counsel who do not register within 180 days to register late and pay a late registration fee. Late registration does not preclude discipline for failing to timely register or filing of potential unauthorized practice of law charges.
- Fees for In-House Counsel applications have been reduced to \$600 for a timely application; an additional late fee of \$200 is assessed for late registration.
- Sections 10.02 and 10.03 related to law school experiential learning programs, formerly law school clinics, and law student practice have been rewritten on recommendation of and in cooperation with the clinical directors from all of our Tennessee law schools.
 - Section 10.02 was revised in collaboration with the Tennessee law school clinical directors to encompass more than the traditional law school clinic in order to permit Tennessee law school students a wide range of hands-on learning options for which the student can be awarded a limited student practice license. A new definition for Experiential Learning Program has been added, which is used for section 10.02 as well as section 10.03. Requirements for approval of Experiential Learning Programs and clinical counsel are found in section 10.02. Included in the Order Amending Rule 7 is a provision that a law school with a currently approved Experiential Learning Programs does not have to seek re-approval of the program.
 - Section 10.03 governs law student practice in conjunction with an experiential learning program or placement. The purpose of section 10.03 is educational, providing law students options to further legal training. Revised section 10.03 provides a platform for students to participate in quality experiential learning programs under supervision prior to graduation as part of their legal education.
 - The focus of the experiential learning programs, as in the case of legal clinics previously, remains on helping those who cannot otherwise afford representation but does not include placement in private practice.
 - Unique to Tennessee is a new provision that allows a qualified law student whose permission to practice has expired to participate in a short-term law-school-sponsored pro bono event without seeking re-approval.
- Show Cause Orders and Hearings in Article XIII:
 - Revisions to section 13.01 related to show cause hearings incorporate current practice and provide more information regarding the show cause and hearing process. The



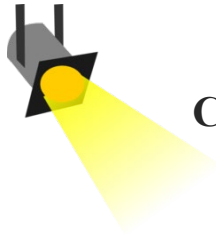
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changes specify which actions of the Board require issuance of a show cause order and which do not.

- Section 13.02 was modified to clarify that an applicant may not petition for reconsideration for denial of eligibility due to an incomplete application at the application deadline.
- Changes to section 13.04 reorganize the provisions related to default to provide clarity.

The list of revisions above is not exhaustive but represents the more significant changes to Rule 7. The full text of Rule 7 and the Order Amending Rule 7 can be found on the Tennessee Courts website at <http://www.tncourts.gov/courts/rules> or on the website for the Tennessee Board of Law Examiners at <http://www.tnble.org/tn-supreme-court-rule-7>.



CLE Commission Proposes Changes to Rule 21 with Goal of Clarity and Simplification

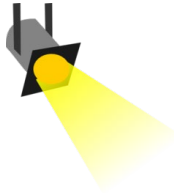
By: Judy Bond-McKissack, Executive Director, Tennessee CLE Commission

Supreme Court Rule 21 was last amended on December 16, 2014 with an effective date of January 1, 2015. That revision was the first comprehensive revision to the rule on mandatory continuing legal education since its inception. Since that time the staff of the Commission has engaged in conversations with many attorneys licensed in Tennessee who reside in Tennessee as well as other states. The questions asked in those conversations became the basis for the current proposal to revise Rule 21. The staff of the Commission, with tremendous support and help from the members of the Commission's board, have attempted to create a rule that is as close to being self-explanatory as possible. The rule has been completely reorganized with cross references to other relevant provisions of the rule or regulations that also address the same topic being addressed.

Now that you know why we filed to amend the rule lets get to the heart of the proposed changes.

Elimination of the Five Hour In-Classroom CLE Credit Requirement – Effective January 1, 2015, Rule 21 was amended to require that five of the seven required live hours of CLE be earned from live traditional in-classroom courses. After the enactment of the changes to Rule 21, when the Commission began to compile statistics for the Annual Compliance Summary, the Commission saw that most attorneys obtained their seven (7) live hours from in-classroom courses. The purpose of the 5-hours requirement was to encourage live interaction between attorneys and to create a bridge to civility among members of the bar. In theory it was a great idea but in practice it proved to be a penalty against attorneys who were engaged in activities that the Supreme Court really wanted to encourage, like doing pro bono work, indigent defense, public service, and writing articles for legal publications. These are activities that the Court wants to promote however the 5-hours live in-classroom rule reduced the CLE benefit received by attorneys doing these activities.

Claiming Military Exemption- The current rule does not provide any guidance to an attorney who needs to claim the military exemption or how to do so. Unfortunately, many attorneys do not communicate with the Commission at all and fail to respond to notices sent to them. That creates a situation where the Commission does not know how long the active duty lasts and how long the attorney remains eligible for the exempt status. In order for attorney records to accurately reflect an attorney's military status, the Commission proposes that section 2.04(b) be amended to require that attorneys furnish a copy of their military orders to qualify for the military exemption. A review of the CLE rules of other states reveals that many states require a copy of military orders to establish an attorney's military status. Military orders are provided to attorneys who are being deployed within sufficient time for them to take care of personal matters before arriving at their duty station. Military orders provide a specific date and time period for a deployment and are always updated when a change of deployment occurs. Currently, the Commission is experiencing a problem with attorneys who leave military service and fail to contact the Commission to update their status. Sometimes years pass before the Commission can reach such an attorney and determine their actual status. By adding the requested



CLE Commission Proposes Changes to Rule 21 with Goal of Clarity and Simplification

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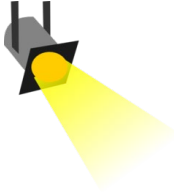
provision to section 2.04(b) the Commission will know how long a tour of duty lasts and when the attorney needs to recertify their exemption. Attorneys who leave military service prior to August of the compliance year would have a continuing legal education obligation. Attorneys leaving military service after August would not have a continuing legal education obligation for that compliance year.

Exemption for Attorneys Holding Elective Office - Rule 21, Section 2.04(f) of the current rule provides for an exemption for attorneys holding an elective office in the Executive or Legislative branch of government who are prohibited from practicing law while holding such office. The Commission has received requests to extend the exemption to attorneys who work in government but who are not barred from practicing by municipal rules and have such demanding schedules that they cannot practice. Such an attorney would be required to file a certification along with their Annual Report Statement establishing government service and that he/she has not practiced law during the compliance year. The Commission uses the definition of the practice of law as found in Supreme Court Rule 9, Section 10.3.

Why Does the CLE Commission Require Exemptions to be Claimed Annually? – The answer is simple; it's because situations change. Under Supreme Court Rule 9, an attorney must report changes to their contact information to the Board of Professional Responsibility within thirty (30) days of any change. A surprising number of attorneys neglect to provide this update resulting in agency correspondence not being received from the Department of Revenue, the Board of Professional Responsibility and the CLE Commission. Sometimes that means the attorney never meets their obligations and results in the suspension of the attorney's law license.

The CLE Commission experiences the same issue when an attorney returns to private practice after serving in the military or moving to Tennessee from another state. We do not have any way of knowing if an attorney has practiced Tennessee law in a compliance year. We rely on their veracity in their response on the Annual Report Statement. We require exemptions to be claimed annually except for a previously acknowledged Age exemption.

What types of Activities Qualify for Live and Distance Learning CLE credit? - After a thorough review of the Commission's regulations and the provisions of Rule 21, the Commission identified twelve activities that provide attorneys with "Live credit." The identified provisions include traditional in-classroom course attendance, teaching, Pro Bono representation and indigent defense, creating articles for legal publications, formal enrollment at educational institutions, and public services activities. Because these various proposals are scattered throughout both the regulations and the Rule, the Commission felt it would simplify and clarify what those various provisions are by placing them in Rule 21. See Section 4; Section 5.01(g). In addition, the Commission felt that the current requirement of earning seven (7) live hours of continuing legal education each compliance year should also be stated specifically in section 3.01. The minimum seven (7) hour requirement has been part of Rule 21 since March 4, 2008.



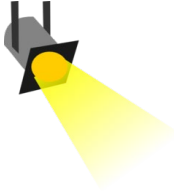
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The Commission also felt it was necessary to expressly delineate the activities that qualify (and do not qualify) for “Distance Learning credit” – i.e. credits earned on-line or via some form of remote access technology.

Twelve (12) activities are eligible for Live CLE credit. See Section 3.01 of the proposed rule for the requirement. The twelve (12) activities are:

1. Traditional in-classroom courses. A maximum of twelve (12) General credits and three (3) EP credits may be applied to any compliance year. See Section 3.01(c) of the proposed Rule;
2. Teaching at an approved CLE activity. A maximum of twelve (12) General credits and three (3) EP credits may be applied to any compliance year. See section 4.03(a) of the proposed Rule (includes video re-play with a qualified commentator); see Regulation 3A for commentator requirements;
3. Teaching a law course at an approved educational institution. A maximum of twelve (12) General credits and three (3) EP credits may be applied to any compliance year. See section 4.03(b) of the proposed Rule;
4. Pro Bono representation. A maximum of three (3) EP credits may be applied to any compliance year. See section 4.08(c) of the proposed Rule;
5. Indigent Defense representation (uncompensated portion only). A maximum of three (3) EP credits may be applied to any compliance year. See section 4.08(d) of the proposed Rule;
6. Published Legal Writing. A maximum of six (6) General and one and one-half (1.5) EP credits may be applied to any compliance year. See section 4.08(b) of the proposed Rule;
7. Formal enrollment and education of a postgraduate nature for credit or audit at an approved educational institution. Credit is earned hour for hour. See section 4.04 of this Rule. For Live courses, a maximum of twelve (12) General credits and three (3) EP credits may be applied to any compliance year. For online courses, via an approved Distance Learning format, there is a maximum of eight (8) hours of credit each compliance year. See section 3.01(c) of the proposed Rule;
8. Service as a Bar Examiner. A maximum of twelve (12) General credits and three (3) EP credits may be applied to any compliance year. See section 4.05 of the proposed Rule;



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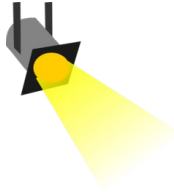
9. Service on the Board of Professional Responsibility or one of its hearing committees. Credit is limited to three (3) EP credits in any compliance year. See section 4.07 of the proposed Rule;
10. Participation as a member of governmental commissions, committees, or other governmental bodies. A maximum of six (6) General and one and one-half (1.5) EP credits may be applied to any compliance year. See section 4.08(a) of the proposed Rule;
11. Completion of Bar Review course. For Live courses, a maximum of twelve (12) General credits and three (3) EP credits may be applied to any compliance year. See section 4.06 of this Rule. For online courses, via an approved Distance Learning format, there is a maximum of eight (8) hours of credit each compliance year. See section 3.01(c) of the proposed Rule; and
12. Successful completion of a bar examination, specialist certification program, and/or examination for admission to practice before the United States Patent and Trademark Office. A maximum of twelve (12) General credits and three (3) EP credits may be applied to any compliance year. Bar review course credit and bar exam credit cannot both be claimed in the same compliance year. See section 4.08(f) of the proposed Rule.

Two (2) categories of activities are eligible for Distance Learning CLE credit. See Section 3.01 of the proposed rule for the requirement. Those two (2) categories are:

1. “real time” or “streamed” seminars whether through “conference call” or viewed through a computer or portable video device via the internet (“webcast”), and
2. Online, computer-based audio/video presentations, whether pre-recorded or not, that provide some form of interactive component and a completion certification from the sponsor.

Activity that consists solely of the viewing or hearing of pre-recorded material will not be eligible for CLE credit. The following types of courses and online formats are not eligible for CLE credit: YouTube videos, self-study courses, pre-recorded courses without interactivity, courses delivered as on-demand without interactivity, and courses delivered through an electronic device without interactivity.

What Kind of Documentation Is Needed to Get A Course Accredited for CLE Credit? - An attorney licensed to practice in Tennessee who has attended an out-of-state continuing legal education activity not approved in advance by the Commission **must** submit a detailed agenda and speaker biographies for the purpose of obtaining accreditation of the course after the program is



CLE Commission Proposes Changes to Rule 21 with Goal of Clarity and Simplification

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conducted. All rules pertaining to course accreditation shall apply. This information is only requested for out of state courses that have never been accredited. Once a course has been accredited, the need for the additional information no longer exists.

Implementation of a Late Fee for Late Reported Attendance - Rule 21 has contained a deadline of thirty (30) days for providers to report an attorney's attendance at a continuing legal education program. Over the years the Commission has observed the length of time between the course completion date and the date that the attendance is reported grow substantially. While most providers report within the time limit established by the Rule, there are many in-state providers and many more out of state providers who routinely report attendance months and, in several cases, years after the CLE activity. The problem of late attendance is not only limited to providers but also to non-compliant attorneys who need the credit hours reported to establish compliance. As the compliance year draws closer to the date that the suspension order is submitted to the Court, the number of requests to report attendance increases. However, it is not unusual for the Commission to receive reports of attendance from a closed compliance period as far as 3 to 5 years in the past. The Commission takes the position that one year is enough time for attendance to be submitted. The Commission submits that the one-year limit should apply to both providers and attorneys. In addition, the Commission is asking that a late fee of one additional dollar per credit hour be charged to providers who submit late attendance either manually or electronically.

Move the date for publication of the Annual Compliance Summary- The Supreme Court Order of December 16, 2014, effective January 1, 2015, created a new requirement that the Commission publish an annual compliance summary by August 31st of the following year. During the first two years, the Commission was able to complete this requirement in a timely manner. Over time, the Commission realized that the due date for the Summary was being crowded out by multiple obligations placed on the Commission by the State of Tennessee as well as the provisions of Rule 21. Currently the report is due within 2 weeks after the entry of the continuing legal education suspension order which generates increased communication and work with non-compliant attorneys. Other obligations include the preparation of the Commission annual budget, preparation for Commission retreats and the heaviest period of requests for reinstatement. Since its implementation, additional state mandated reporting requirements have been implemented that require preparation during this same time creating an overwhelming burden on the staff of the Commission while also trying to run various reports and queries, and to assemble the data necessary for the Annual Compliance Summary.

Finally, as a clarification we added the name of the forms that attorneys need to submit, where to find the forms and when they need to be submitted.

BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE

FORMAL ETHICS OPINION 2019-F-167

The Board of Professional Responsibility has been requested to issue 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.

OPINION

It is improper for an attorney to propose or accept a provision in a settlement agreement, in a products liability case, that requires destruction of the subject vehicle alleged to be defective if that action will restrict the attorney's representation of other clients.

DISCUSSION

The inquiring lawyer has encountered a condition to settlement, in product liability cases against a certain defendant, which requires plaintiff to destroy the vehicle that was the subject of the claim.

The parties agreed on a settlement amount, and the requirement of the destruction of the vehicle was only brought up after the Plaintiff agreed to settle. The client simply wanted to be paid their settlement monies and the lawyer's objections to the requirement were discarded because the client is the ultimate decision-maker to accepting settlement.¹ This created a conflict between the lawyer and the client as well as other current and future clients. Such a provision indirectly restricts the lawyer's ability to fully and competently represent other current or future clients with similar claims against the Defendants.

RPC 5.6 (b) states "A lawyer shall not participate in offering or making: (b) an agreement in which a restriction on the lawyer's right to practice is part of the settlement of a client controversy."²

¹ Tennessee Rules of Professional Conduct, Rule 1.2 (a).

² Tennessee Rules of Professional Conduct, Rule 5.6 (b).

In complex product liability cases involving an allegedly defective vehicle, the physical vehicle itself is the most important piece of evidence in the case. The most compelling evidence when establishing the existence of a defect in a vehicle is the existence of other similar incidents. That is, instances in which a comparable vehicle or vehicle component has displayed evidence of the same failure or defect that is the basis of the present claim. The ability to review and re-inspect a similar vehicle, which had previously exhibited a similar defect, is extremely valuable in prosecuting a potential future case.

Vehicles, such as the one involved in the instant case, are routinely used in subsequent cases involving the same or similar vehicles or the same or similar components (such as seatbelts, airbags, seats, etc.) in otherwise dissimilar vehicles. The inquiring lawyer's firm catalogues and preserves defective vehicles in order to establish a physical information base to be used in subsequent cases.

The firm has a policy of acquiring possession of the subject vehicle as part of its initial investigation into the case. This is normally done by purchasing the vehicle directly from an insurance company that has possession of the vehicle post-accident. In the rare case that the firm's client has possession of the vehicle (and title), the firm requests that the client allow the firm to retrieve the vehicle from them. If the client is not in possession of the vehicle, and the firm is unable to purchase the vehicle directly from an insurer, the firm purchases the vehicle at auction if possible.

The firm covers the expense of securing the vehicle, and said expense is treated like any other case expense at that point. During the pendency of the case, the firm and the expert witnesses for the case or for any other case turning on the same defect/vehicle model inspect the vehicle, disassemble parts if need be, and catalogue the vehicle. It is the firm's practice at the end of the case to request from the client that the firm be allowed to retain ownership and possession of the vehicle.

RPC 3.4 (a) states: "A lawyer shall not obstruct another party's access to evidence or unlawfully alter, destroy or conceal a document or other material having potential evidentiary value. A lawyer shall not counsel or assist another person to do any such act..." "Applicable law in many jurisdictions makes it an offense to destroy material for the purpose of impairing its availability in a pending proceeding or one whose commencement can be foreseen."³ "Tennessee Courts have long applied a prerequisite of intentional misconduct in the context of spoliation of evidence. This prerequisite originated with the common law "doctrine of spoliation" which allowed a trial court to draw a negative inference against a party who destroys evidence."⁴ Clearly, in the context of a product liability case, the alleged defective product is key evidence in other current or subsequent cases of a similar defect.

The firm has assured Defendant that the vehicle will not be placed back on the road, and that when the firm decides no longer to retain the vehicle, it will provide a certificate of destruction to Defendant, which should satisfy any safety concerns of Defendant. Given the nature of the Defendant's business and the practice area of the inquiring lawyer, demanding the

³ Tennessee Rules of Professional Conduct, Rule 3.4 Comment [2].

⁴ *Lea Ann Tatham v. Bridgestone Americas Holding, Inc., ET AL.*, 473 S.W.3d 734, 738 (Tenn. 2015).

destruction of key evidence can only be viewed as an attempt by the Defendant to disadvantage the firm in other current or future litigation. “Any type of restriction of a plaintiff’s attorney on representing future claimants against the same defendant are ethically inappropriate and violates RPC 5.6(b) which pertains to impermissible restrictions on a lawyer’s practice.”⁵

ABA Formal Opinion 93-371 articulates the three policy considerations underlying RPC 5.6(b). First, there is a risk that the public’s access to the best attorney for a particular case will be curtailed. Second, such a restraint could be motivated by an effort to “buy off” counsel rather than to resolve the dispute. Third, a restriction on an attorney’s right to practice may place him or her in a position where the interests of the current client are in conflict with those of potential future clients.

The American Bar Association has opined that the rule applies not only to such an explicit limitation,⁶ but also to other limitations that indirectly restricts a lawyer’s right to practice.⁷

By requiring destruction of the alleged defective product after settlement in a products liability case, defense counsel would accomplish indirectly what they cannot accomplish directly by precluding the attorney from representing other plaintiffs with similar claims.

Further, the firm’s file retention policy includes retaining material pieces of evidence as part of the file because it may be evidence in any subsequent malpractice suit against the firm. Without the ability to review the most important piece of evidence in the underlying products liability suit, the law firm would be left essentially defenseless if a former client brought a professional malpractice claim.

There is also a public policy consideration. The ability for plaintiffs’ firms to act as industry watchdogs is both good public policy and was specifically addressed as a vested responsibility during Congress’s enactment of the Federal Motor Vehicle Safety Standards.⁸

CONCLUSION

Settlement conditions are prohibited by Tennessee Rules of Professional Conduct 5.6(b), if such conditions will restrict the attorney’s representation of other clients.

It is improper for an attorney to propose or accept a provision in a settlement agreement that requires an attorney in a products liability lawsuit to destroy the product alleged to be defective, as a material condition of settlement, if that action will restrict the attorney’s representation of other clients.

⁵ Tennessee Formal Ethics Opinion 98-F-141 (Feb. 4, 1998) citing ABA Formal Ethics Opinion 93-371 (1993).

⁶ ABA Comm. On Ethics and Prof’l Responsibility, Formal Op. 93-371 (1993).

⁷ ABA Comm. On Ethics and Prof’l Responsibility, Formal Op. 00-417 (2000).

⁸ 49 U.S.C. Ch.301; 49 U.S.C. section 30103(e) (2010); TN Formal Ethics Opinion 2018-F-166 (2018).

This 15th day of April, 2019.

ETHICS COMMITTEE

Dana Dye, Chair

John D. Kitch

Joe M. Looney

APPROVED AND ADOPTED BY THE BOARD

Disciplinary Actions

- (September 2018 – March 2019)
-

DISBARMENTS

PAUL JAMES SPRINGER, BPR # 021267 SHELBY COUNTY

Effective October 2, 2018, the Supreme Court of Tennessee disbarred Paul James Springer from the practice of law and ordered him to pay restitution to clients totaling \$21,855.00. A Petition for Discipline consisting of four (4) complaints was filed February 14, 2017, and a Supplemental Petition consisting of seven (7) complaints was filed August 14, 2017.

After a hearing upon the disciplinary petitions, a Hearing Panel determined Mr. Springer failed to reasonably communicate with his clients, failed to attend scheduled meetings, failed to notify clients of court dates, failed to respond to motions, discovery requests, and show cause orders, continued to practice law after suspension of his license, failed to notify clients of his suspension, failed to withdraw as attorney of record, failed to refund unearned retainers, failed to provide substantive professional services to his clients, failed to file suit in a timely manner, and made material misrepresentations to clients regarding the status of their case.

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); 1.7 (conflict of interest); 1.16 (declining or terminating representation); 4.2 (communication with a person represented by 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, regarding the obligations and responsibilities of disbarred attorneys.

ASCHALEW GUADIE NIGUSSIE, BPR # 032278 DECATUR, GEORGIA

Effective December 3, 2018, the Supreme Court of Tennessee disbarred Aschalew Guadie Nigussie of Decatur, Georgia, from the practice of law in Tennessee and ordered him to pay restitution to one client as a condition of reinstatement. Mr. Nigussie must pay the Board of Professional Responsibility's costs and expenses and court costs within ninety days.

A Petition for Discipline consisting of two (2) complaints of misconduct was filed August 14, 2017. The complaints allege Mr. Nigussie accepted fees from clients, performed little if any work on their behalf and abandoned the cases when he ceased communicating with them. Mr. Nigussie did not respond to the Petition for Discipline and an Order for Default Judgment was entered against Mr. Nigussie.

Mr. Nigussie's professional misconduct violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.5(f) (fees), 1.16 (d) (terminating representation), 8.1 (b) (disciplinary matters) and 8.4 (a) and (d) (conduct that is prejudicial to the administration of justice).

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

***MICHAEL JOHN MCNULTY, BPR #025974
BRADLEY COUNTY***

Effective December 5, 2018, the Supreme Court of Tennessee disbarred Michael John McNulty from the practice of law and ordered him to pay restitution to one client in the amount of \$1,125.00. Mr. McNulty is required to pay the costs and expenses of the Board of Professional Responsibility and the court costs within ninety (90) days.

On January 29, 2018, a Petition for Discipline was filed against Michael John McNulty containing two (2) complaints of ethical misconduct. In the first complaint, Mr. McNulty received \$1,125.00 for legal services but provided minimal services and ultimately abandoned the representation of the client. As a result of Mr. McNulty's abandonment, the client was compelled to hire new counsel. In the second complaint, Mr. McNulty falsified an email communication related to a client's matter. Mr. McNulty sent an email to a medical provider which purported to be sent from an attorney who no longer worked at Mr. McNulty's firm. Mr. McNulty did not answer the Petition for Discipline or appear at the final hearing.

Mr. McNulty's ethical misconduct violates Rules of Professional Conduct 1.3, Diligence; 1.4, Communications; 1.5(a), Fees; 1.16(d), Declining and Terminating Representation; 4.1(a), Truthfulness in Statements to Others; 8.1(b), Bar Admission and Disciplinary Matters; and 8.4(a) and (c), Misconduct.

Mr. McNulty was disbarred in a prior disciplinary matter on February 15, 2018. That disbarment remains in effect. Mr. McNulty must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of disbarred attorneys.

CASEY EUGENE MORELAND, BPR #011069
DAVIDSON COUNTY

On January 2, 2019, Casey Eugene Moreland, of Nashville, Tennessee, was disbarred by Order of the Tennessee Supreme Court, consecutive to any period of incarceration.

The Tennessee Supreme Court suspended Mr. Moreland on June 5, 2018, pursuant to Tennessee Supreme Court Rule 9, Section 22.3, based upon his guilty plea to obstruction of an official proceeding, conspiracy to retaliate against a witness, conspiracy to commit theft, destruction of records and tampering with a witness. The Board of Professional Responsibility instituted a formal proceeding to determine the extent of final discipline to be imposed. Mr. Moreland entered a conditional guilty plea to disbarment and any restitution ordered in *United States of America v. Moreland*.

Mr. Moreland's actions violated Rules of Professional Conduct 8.4(a) and (b), Misconduct.

Mr. Moreland must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of disbarred attorneys. Mr. Moreland must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

WILLIAM LAWRENCE MCKINNEY, BPR # 006419
LOS ANGELES, CALIFORNIA

On January 4, 2019, William Lawrence McKinney, of Los Angeles, California, was disbarred from the practice of law by the Supreme Court of Tennessee retroactive to June 23, 2017. Mr. McKinney, licensed to practice law in Tennessee, was disbarred by the Supreme Court of California by order entered June 23, 2017.

On November 28, 2018, the Supreme Court of Tennessee entered a Notice of Reciprocal Discipline directing Mr. McKinney to demonstrate why the discipline imposed by the Supreme Court of California should not be imposed by this Court. Mr. McKinney provided no response to this Court.

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

LARRY JOE HINSON, JR., BPR # 023286
LEWIS COUNTY

On or by order filed January 9, 2019, Larry Joe Hinson, Jr., was disbarred by Order of the Tennessee Supreme Court. This Order dissolves the Order entered October 18, 2018, temporarily suspending Mr. Hinson.

Mr. Hinson, the subject of a disciplinary investigation, delivered to the Board of Professional Responsibility an affidavit in compliance with Tennessee Supreme Court Rule 9, Section 23.1, acknowledging his misconduct and consenting to disbarment. Pursuant to Tennessee Supreme Court Rule 9, Section 23, Mr. Hinson's affidavit in support of disbarment by consent is not to be publicly disclosed or made available for use in any other proceeding except upon further order of the Supreme Court of Tennessee.

Mr. Hinson 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.

HOWARD ROBERT CLYDE ORFIELD, BPR # 010567
SULLIVAN COUNTY

On February 19, 2019, Howard Robert Clyde Orfield was disbarred by the Tennessee Supreme Court pursuant to Tennessee Supreme Court Rule 9, Section 12.1. Mr. Orfield must pay restitution to one client and consult with the Tennessee Lawyers Assistance Program. Prior to his disbarment, Mr. Orfield was suspended by order of the Tennessee Supreme Court entered October 6, 2017, and had not been reinstated from this suspension. Mr. Orfield shall pay the costs of the disciplinary proceeding.

After accepting fee payments for representation in a Chapter 7 Bankruptcy case, Mr. Orfield ceased communicating with his client and failed to perform the services for which he was paid. Mr. Orfield later offered to refund the full balance of the fee paid by the client, but has not done so.

Mr. Orfield's ethical misconduct violates Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.16 (termination of representation), 3.2 (expediting litigation), 8.1 (disciplinary matters), and 8.4 (a) and (d) (misconduct).

Mr. Orfield 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.

THOMAS PATRICK COOPER, #026251
MIAMI BEACH, FL

By order of the Tennessee Supreme Court entered March 5, 2019, Thomas Patrick Cooper was disbarred from the practice of law effective immediately. Mr. Cooper must pay the Board and court costs within ninety days of the entry of the order.

On July 20, 2018, the Tennessee Supreme Court ordered the immediate suspension of Mr. Cooper from the practice of law based upon his plea of *nolo contendere* to one count of Grand Theft and one count of Defrauding a Financial Institution in the 17th Judicial Circuit Court in and for Broward County, in the matter of *The State of Florida v. Thomas Patrick Cooper*. On August 9, 2018, the Board filed a Petition for Final Discipline. A Hearing Panel determined the appropriate sanction in this case is disbarment.

Mr. Cooper violated Rules of Professional Conduct 8.4(a), (b), (c) and (d).

Mr. Cooper 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.

MARTIN ALAN WEISS, BPR # 012295
SHELBY COUNTY

On March 26, 2019, Martin Alan Weiss was disbarred by Order of the Tennessee Supreme Court. As conditions of his reinstatement, Mr. Weiss must make restitution in the amount of \$57,769.00. He must obtain an evaluation by the Tennessee Lawyers Assistance Program (TLAP) and enter into a monitoring agreement, if appropriate. Mr. Weiss must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

On November 15, 2018, a Petition for Discipline was filed against Mr. Weiss alleging that he misappropriated funds from eighteen personal injury settlements. When distributing the money upon settling these clients' cases, Mr. Weiss withheld an amount sufficient to pay what each client owed to the clinic where they had been treated. Rather than paying the money that had been withheld to the clinic, Mr. Weiss kept the money for his personal use.

Mr. Weiss entered into a conditional guilty plea admitting that his actions violated Rules of Professional Conduct 1.2(a), Scope of Representation; 1.4, Communication; 1.5(c), Fees; 1.15(a) and (d), Safekeeping Property and Funds; 8.1(b), Bar Admission and Disciplinary Matters; and 8.4(a) and (c), Misconduct.

On July 25, 2018, Mr. Weiss was temporarily suspended by the Tennessee Supreme Court for posing a threat of substantial harm to the public. As Mr. Weiss is now disbarred, the temporary suspension is dissolved.

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

***JASON R. GRUBB, BPR #022818
BEAVER, WEST VIRGINIA***

On March 29, 2019, Jason R. Grubb, an attorney licensed to practice law in Tennessee and West Virginia, was disbarred from the practice of law by the Supreme Court of Tennessee retroactive to May 18, 2016. Mr. Grubb's license to practice law in West Virginia was annulled by the Supreme Court of Appeals of West Virginia by order entered May 18, 2016, based upon his plea of guilty to violating 26 U.S.C. § 7202, Failure to Collect, Account for, and Pay Over Employment Taxes.

On February 8, 2019, the Supreme Court of Tennessee entered a Notice of Reciprocal Discipline directing Mr. Grubb demonstrate why the discipline imposed by the Supreme Court of Appeals of West Virginia should not be similarly imposed by this Court. Mr. Grubb filed a response on February 28, 2019 but failed to demonstrate reciprocal discipline was unwarranted.

Mr. Grubb 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.

SUSPENSIONS

***CARLA ANN KENT FORD, BPR # 014312
RUTHERFORD COUNTY***

On October 2, 2018, the Tennessee Supreme Court suspended Carla Ann Kent Ford from the practice of law for five (5) years. Ms. Ford must pay restitution to two former clients as a condition of reinstatement to the practice of law. Ms. Ford must pay the Board of Professional Responsibility's costs and expenses and court costs within ninety days.

On August 11, 2017, the Board filed a Petition for Discipline against Ms. Ford containing three complaints of misconduct. The complaints allege Ms. Ford failed to communicate and diligently represent her

clients, and in two of the cases failed to provide written fee agreements. Further, following Ms. Ford's summary suspension in May 2016, Ms. Ford failed to adequately notify her client of her suspension. Ms. Ford did not respond to the Petition for Discipline and an Order for Default Judgment was entered against Ms. Ford.

Ms. Ford's misconduct violates Rules of Professional Conduct 1.3 (Diligence), 1.4 (Communication), 1.5(a) and (f) (Fees), and 1.16(d) (Terminating Representation).

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

CLAY M. MCCORMACK, BPR # 015559
SHELBY COUNTY

On October 5, 2018, Mr. McCormack was suspended from the practice of law by Order of the Tennessee Supreme Court for five (5) years, with one (1) year of active suspension and the remainder to be served on probation, effective ten (10) days from entry of the Order. As conditions of his probation, Mr. McCormack must engage a practice monitor and commit no further acts of misconduct resulting in a recommendation of discipline. Mr. McCormack must pay the Board's costs and expenses and the court costs before petitioning for reinstatement, or within ninety days of the entry of the Order of Enforcement, whichever occurs first.

Mr. McCormack closed numerous real estate transactions involving Lee Bishop as the seller in which Mr. McCormack prepared settlement statements showing Mr. Bishop's mortgage being paid off from the purchase money. Mr. McCormack prepared checks payable to Mr. Bishop's lenders in order to pay off those mortgages. Following the closings, Mr. McCormack voided the payoff checks and wrote new ones to Mr. Bishop. Mr. McCormack wrote letters to the buyers' lenders stating that the sellers' mortgages had been paid off when they had not. Mr. McCormack incorrectly believed that Mr. Bishop was going to obtain a release of the liens on the property he was selling by substituting other pieces of property he owned as collateral for the loans. In many such transactions, Mr. Bishop failed to obtain a substitution of collateral. When his lenders foreclosed on those loans, the buyers' lenders did not have first liens.

Mr. McCormack's ethical misconduct violates Rules of Professional Conduct 1.1, Competence; 4.1(a), Truthfulness in Statements to Others; and 8.4(a) and (c), Misconduct.

Mr. McCormack must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 18 (2006) and 30 (2014), regarding the obligations and responsibilities of suspended attorneys.

***MICHAEL GLEN HATMAKER, BPR # 005391
CAMPBELL COUNTY***

On October 12, 2018, the Supreme Court of Tennessee entered an order suspending Michael Glen Hatmaker from the practice of law for a five-year (5) period with a minimum of four (4) years served as an active suspension and the remainder served on probation. The suspension is effective upon the entry of the Order. The grant of probation is conditioned upon satisfaction of an outstanding judgment, the engagement of a Practice Monitor pursuant to Tennessee Supreme Court Rule 9, Section 12.9(c) and incurring no new disciplinary complaints resulting in a recommendation by the Board for discipline.

Mr. Hatmaker executed a conditional guilty plea acknowledging he made material misrepresentations to clients and opposing counsel, failed to expedite litigation and diligently represent clients, failed to reasonably communicate with clients, and failed to properly maintain client funds in his trust account. Mr. Hatmaker acknowledged his conduct violated Rules of Professional Conduct 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.15 (Safekeeping Property and Funds), and 8.4 (Misconduct).

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

***ELIZABETH CATHERINE VELASQUEZ, BPR# 028884
SEVIER COUNTY***

On October 17, 2018, the Tennessee Supreme Court suspended Elizabeth Catherine Velasquez from the practice of law for five (5) years with three (3) years served as an active suspension and the remainder on probation. Ms. Velasquez must pay restitution to a former client and contact the Tennessee Lawyer's Assistance Program as a condition of reinstatement to the practice of law. During probation, Ms. Velasquez must engage a practice monitor. Finally, Ms. Velasquez must pay the Board of Professional Responsibility's costs and expenses and court costs within ninety days.

A Petition for Discipline was filed against Elizabeth Catherine Velasquez on January 29, 2018, containing one (1) complaint of ethical misconduct. A hearing panel determined that Ms. Velasquez failed to communicate and diligently represent her client. Ms. Velasquez abandoned the client's case. Ms. Velasquez did not respond to the Petition for Discipline and an Order for Default Judgment was entered against her.

Ms. Velasquez's misconduct violates Rules of Professional Conduct 1.1, Competence; 1.2, Scope of Representation and Allocation of Authority; 1.3, Diligence; 1.4, Communication; 1.5(a), Fees; 1.16(d), Declining or Terminating Representation; 3.2, Expediting Representation; 8.1(b), Bar Admission and Disciplinary Matters; and 8.4(a) and (d), Misconduct.

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

***GERALD STANLEY GREEN, BPR # 009470
SHELBY COUNTY***

On January 24, 2019, the Supreme Court of Tennessee suspended Memphis attorney Gerald Stanley Green from the practice of law for six (6) months, with thirty (30) days to be served on active suspension and the remaining five (5) months on probation with conditions. Mr. Green must have a practice monitor during his probation. The suspension is effective immediately.

The Board of Professional Responsibility filed a Petition for Discipline and a Supplemental Petition against Mr. Green. The Petitions for Discipline were based on complaints by three (3) clients alleging that Mr. Green did not adequately communicate and failed to diligently represent them. In addition, Mr. Green was charged with practicing law in Mississippi without complying with that state's rule governing pro hac vice admission.

The Hearing Panel found that Mr. Green violated four separate provisions of the Tennessee Rules of Professional Conduct, including RPC 1.3 (Diligence), RPC 1.4 (Communication), RPC 8.4(a) and (d) (Misconduct), and RPC 5.5 (a) (Unauthorized Practice of Law).

Mr. Green appealed the decision and the Tennessee Supreme Court affirmed the decision of the Hearing Panel. The Court held that the Hearing Panel's findings and sanctions were well-founded and supported by the evidence. The Court also upheld the conditions of probation, including the practice monitor, noting its relation to Mr. Green's long history of failing to communicate adequately with his clients and failing to manage his law practice well.

Mr. Green must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 18 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.

EARL FRANK JOHNSON, BPR # 019811
SHELBY COUNTY

Effective February 8, 2019, the Tennessee Supreme Court suspended Earl Frank Johnson from the practice of law for six (6) months and required that he submit to an evaluation by the Tennessee Lawyers Assistance Program and follow any recommendations. Mr. Johnson must pay the Board of Professional Responsibility's costs and expenses and court costs within ninety (90) days.

On March 26, 2018, a Petition for Discipline was filed against the Mr. Johnson including one complaint of misconduct alleging Mr. Johnson appeared in General Sessions Court on behalf of a client when his law license had been administratively suspended since August 2012. Mr. Johnson entered a conditional guilty plea admitting to the misconduct.

Mr. Johnson's conduct violated Rules of Professional Conduct 5.5 (unauthorized practice of law; multijurisdictional practice of law), 8.1 (bar admission and disciplinary matters), and 8.4 (a) and (d) (misconduct).

Mr. Johnson 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.

RANDY PAUL LUCAS, BPR # 019907
SUMNER COUNTY

On February 8, 2019, the Tennessee Supreme Court suspended Randy Paul Lucas from the practice of law for three (3) years, with six (6) months on active suspension and the remainder on probation. Mr. Lucas is required to engage a practice monitor during the probationary period and to pay the costs of the disciplinary proceeding. The suspension is effective immediately.

On June 28, 2017, the Board filed a Petition for Discipline against Mr. Lucas containing one complaint of misconduct. The complaint alleged that Mr. Lucas agreed to represent a client in a personal injury case but failed to take any action on his client's behalf thereby allowing the statute of limitations in this case to expire. Mr. Lucas failed to maintain consistent communication with this client and made repeated misrepresentations to this client. Mr. Lucas entered a Conditional Guilty Plea in this matter, and made a payment to the affected client as compensation for his loss.

Mr. Lucas' misconduct violates Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4 (communication), 1.8 (conflict of interest), and 8.4 (a) (c) and (d) (misconduct).

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

DAPHNE MICHELLE DAVIS, BPR # 028128
WILSON COUNTY

On August 20, 2019, the Supreme Court of Tennessee suspended Daphne Michelle Davis from the practice of law for three years. Ms. Davis must pay restitution to a former client as a condition of reinstatement to the practice of law. Ms. Davis must pay the Board of Professional Responsibility's costs and expenses and court costs within ninety (90) days of the date of the order.

A Petition for Discipline was filed against Ms. Davis on May 18, 2018, alleging that Ms. Davis missed a court date in General Sessions Court resulting in a default judgment against her client in the amount of \$25,151.50. After appealing the case to Circuit Court, she unilaterally cancelled a mediation and failed to inform her client of the date the case was set for hearing. Ms. Davis failed to appear, and the appeal was dismissed. Ms. Davis did not inform her client who learned about the dismissal when he received a copy of the judgment from opposing counsel. In another complaint, Ms. Davis promised to refund a fee to her client, but failed to do so until the client filed a complaint with the Board. Finally, Ms. Davis was appointed to represent a client in Criminal Court who entered into a diversion program and, as part of probation, was required to pay \$1,968.50 in court costs. The client requested Ms. Davis' assistance in seeking a waiver or reduction of the court costs. Ms. Davis sent the client a questionnaire to complete and return, which the client did. Thereafter, Ms. Davis ceased communicating with her client. Ms. Davis did not respond to the Board in this case.

Ms. Davis entered a Conditional Guilty Plea admitting her guilt of violating Rules of Professional Conduct 1.2(a) (scope of representation), 1.3 (diligence), 1.4 (communication), 1.5(a), (b) and (f), (fees), 1.16 (d) and (f) (terminating representation), 3.2 (expediting litigation) 8.1(b) (bar and disciplinary matters) and 8.4(a), (b), (c), and (d) (misconduct).

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

KURT JOSPEH POMRENKE, BPR # 015327
SULLIVAN COUNTY

On March 15, 2019, Kurt Joseph Pomrenke, an attorney licensed to practice law in Tennessee and Virginia, was suspended for nine (9) months from the practice of law by the Supreme Court of Tennessee. Mr. Pomrenke's license to practice law in Virginia was suspended for nine (9) months by decision of the Disciplinary Board of the Virginia State Bar dated November 27, 2018.

On March 12, 2019, the Supreme Court of Tennessee entered a Notice of Reciprocal Discipline directing Mr. Pomrenke to demonstrate why the discipline imposed by the Disciplinary Board of the Virginia State Bar should not be similarly imposed by this Court. On March 14, 2019, Mr. Pomrenke provided the Court his response stating that he does not contest the reciprocal discipline.

Mr. Pomrenke 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 pay court costs within ninety (90) days of the entry of this order.

TEMPORARY SUSPENSIONS

LARRY JOE HINSON, JR., BPR # 023286
LEWIS COUNTY

On October 18, 2018, the Supreme Court of Tennessee temporarily suspended Larry Joe Hinson, Jr. from the practice of law upon finding Mr. Hinson misappropriated funds 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 misconduct.

Mr. Hinson is immediately precluded from accepting any new cases, and he must cease representing existing clients by November 18, 2018. After November 18, 2018, Mr. Hinson shall not use any indicia of lawyer, legal assistant, or law clerk or maintain a presence where the practice of law is conducted.

Mr. Hinson 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. Hinson is required to deliver to all clients any papers or property to which they are entitled.

Mr. Hinson 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. Hinson may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

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

On November 21, 2018, the Tennessee Supreme Court entered an Order denying the request of Brian Phillip Manookian for dissolution of temporary suspension. Mr. Manookian was temporarily suspended from the practice of law on September 21, 2018, upon a finding that he poses a threat of substantial harm to the public.

On September 28, 2018, Mr. Manookian filed a Verified Petition for Dissolution or Amendment of Order of Temporary Suspension. A hearing was held on October 11 and 19, 2018, before a panel of the Board of Professional Responsibility. On November 7, 2018, the panel entered its Report and Recommendation recommending that the Verified Petition for Dissolution or Amendment of Order of Temporary Suspension be denied. On November 21, 2018, the Supreme Court entered an order adopting the panel's Report and Recommendation.

Following the temporary suspension on September 21, 2018, the Tennessee Supreme Court entered an Order on October 17, 2018, staying the requirement that Mr. Manookian cease representing existing clients pending further orders of the Court. Upon entry of the November 21, 2018 Order, the stay is lifted and Mr. Manookian must cease representation of existing clients within ten (10) days of this Order. Mr. Manookian shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted. Mr. Manookian 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. Manookian 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. Manookian may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

***CANDACE LENETTE WILLIAMSON, BPR # 028933
SOUTHAVEN, MISSISSIPPI***

On December 21, 2018, the Supreme Court of Tennessee temporarily suspended Candace Lenette Williamson of Southaven, Mississippi, from the practice of law upon finding that Ms. Williamson 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.

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

Ms. Williamson 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. Ms. Williamson is required to deliver to all clients any papers or property to which they are entitled.

Ms. Williamson 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. Ms. Williamson may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

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

On January 2, 2019, the Supreme Court of Tennessee temporarily suspended John Harley Fowler from the practice of law upon finding Mr. Fowler failed to respond to the Board regarding complaints of misconduct 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 of an attorney's failure to respond to the Board regarding a complaint of misconduct or posing a threat of substantial harm to the public.

Mr. Fowler is immediately precluded from accepting any new cases, and he must cease representing existing clients by February 1, 2019. After February 1, 2019, Mr. Fowler shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Fowler 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. Fowler 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. Fowler may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

***STEPHEN KENNETH PERRY, BPR # 022540
EVERGREEN PARK, ILLINOIS***

On January 2, 2019, the Supreme Court of Tennessee temporarily suspended Stephen Kenneth Perry of Evergreen Park, Illinois, from the practice of law upon finding that Mr. Perry 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. Perry is immediately precluded from accepting any new cases, and he must cease representing existing clients by February 1, 2019. After February 1, 2019, Mr. Perry shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Perry 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. Perry 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. Perry may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

***MATTHEW DAVID DUNN, BPR # 030759
WILLIAMSON COUNTY***

On February 14, 2019, the Supreme Court of Tennessee temporarily suspended Matthew David Dunn from the practice of law for failing to respond to the Board of Professional Responsibility 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. Dunn is immediately precluded from accepting any new cases, and he must cease representing existing clients by March 16, 2019 (thirty days). After March 16, 2019, Mr. Dunn shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted. Mr. Dunn must also 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 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. Dunn may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

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

On February 27, 2019, the Tennessee Supreme Court entered an Order denying the request of Brian Phillip Manookian for dissolution of his temporary suspension. Mr. Manookian was temporarily suspended from the practice of law on September 21, 2018, upon a finding that he poses a threat of substantial harm to the public.

On September 28, 2018, Mr. Manookian filed a Verified Petition for Dissolution or Amendment of Order of Temporary Suspension. A hearing was held on October 11 and 19, 2018, before a panel of the Board of Professional Responsibility. On November 7, 2018, the panel entered its Report and Recommendation recommending that the Verified Petition for Dissolution or Amendment of Order of Temporary Suspension be denied. On November 21, 2018, the Supreme Court entered an order adopting the panel's Report and Recommendation.

On January 22, 2019, Mr. Manookian filed a second Petition for Dissolution of Order of Temporary Suspension. A hearing was held on January 30, 2019, before a panel of the Board of Professional Responsibility. On February 15, 2019, the panel entered its Report and Recommendation recommending that the Petition for Dissolution of Order of Temporary Suspension be denied. On February 27, 2019, the Supreme Court entered an order adopting the panel's Report and Recommendation.

Mr. Manookian shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

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

PUBLIC CENSURES

JULIE WILLIAMS LAMPLEY, BPR # 012845 DAVIDSON COUNTY

On October 8, 2018, Julie Williams Lampley, Davidson County, Tennessee, was publicly censured by Order of the Tennessee Supreme Court. The Court further ordered Ms. Lampley to pay costs and expenses to the Board of Professional Responsibility.

On February 21, 2018, a Petition for Discipline was filed against Ms. Lampley based upon her self-report immediately following her discovery that she failed to pay her 2015 annual registration fee. Ms. Lampley was administratively suspended by the Tennessee Supreme Court on November 23, 2015, based upon non-payment of her 2015 annual registration fee. Thereafter, Ms. Lampley engaged in the unauthorized practice of law until the reinstatement of her license. Ms. Lampley executed a conditional guilty plea acknowledging her conduct violated Tennessee Rules of Professional Conduct 5.5 (unauthorized practice of law).

For this violation, the Supreme Court of Tennessee publicly censured Ms. Lampley. A public censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

WENDELL CORNELIUS DAWSON, BPR # 012960 DAVIDSON COUNTY

On October 15, 2018, Wendell Cornelius Dawson, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Dawson represented a client applying for cancellation of removal before the immigration court. Although Mr. Dawson presented documentation to the court concerning his client's presence in the United States, he failed to call any witnesses other than his client at the final hearing to satisfy the significant burden of showing exceptional and extremely unusual hardship. Likewise, Mr. Dawson did not diligently represent his client in his appeal. He did not meet with his client to discuss the appeal, and his brief was one page in which he generally argued, without citations to authority or the record, that his client had testified to his presence in the country and the hardship his children would suffer if he were removed from the United States.

By these acts, Mr. Dawson, has violated Rule of Professional Conduct 1.3 (diligence) 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.

***DOUGLAS NEIL BLACKWELL, II, BPR # 019298
BRADLEY COUNTY***

On October 15, 2018, Douglas Neil Blackwell, II, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Blackwell accepted a refundable retainer fee from a client in a conservatorship proceeding without depositing the fee into his client trust account until earned. Mr. Blackwell failed to diligently represent his client's interest and failed to properly communicate with his client. Mr. Blackwell failed to include critical documentation with legal pleadings. After he was removed from representation, Mr. Blackwell failed to provide his former client with the client file. Mr. Blackwell's fee affidavit was found to be unreasonable and based upon misrepresentations.

By these acts, Douglas Neil Blackwell, II, has violated Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.15 (safekeeping property), 1.16 (terminating representation), 3.2 (expediting litigation), 3.3 (candor toward tribunal), 8.1(b) (disciplinary matters), and 8.4(a)(c)(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.

***CLEVELAND C. TURNER, BPR # 002346
MONTGOMERY COUNTY***

On October 15, 2018, Cleveland C. Turner, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Turner practiced law for five business days when his license was administratively suspended, including an appearance in court at a hearing.

By these acts, Mr. Turner is in violation of Rule 5.5 (unauthorized practice of law) of the Rules of Professional Conduct 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 October 18, 2018, 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.

In the representation of a client in a domestic relations proceeding, Mr. King failed to take proper action to comply with a scheduling order which led to the dismissal of the client's petition. Prior to the hearing on the motion to dismiss, Mr. King made misleading statements to his client about the nature and significance of the motion and hearing. Mr. King also accepted a refundable fee from a relative of the client without the client's knowledge and consent and failed to deposit this fee into his escrow account.

By these acts, James Gregory King, has violated Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4(a) (communication), 1.8(f) (accepting fees or direction from a third party), 1.15(c) (safeguarding client funds), and 3.2 (expediting litigation), and is hereby Publicly Censured for this violation. Additionally, as a condition of the Public Censure, Mr. King shall refund \$2,500.00 in attorney fees to the relative of the client within sixty (60) days of issuance of this 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.

CHARLES MATTHEW BATES, BPR # 20609
LAWRENCE COUNTY

On October 24, 2018, Charles Matthew Bates, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Bates practiced law by appearing in court on behalf of a number of clients while his license to practice law was administratively suspended for failure to comply with his annual registration and IOLTA reporting requirements.

By these acts, Charles Matthew Bates, has violated 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.

TIMOTHY ALAN TULL, BPR # 028113
WILLIAMSON COUNTY

On January 2, 2019, Timothy Alan Tull, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court conditioned upon payment of restitution of \$2,000.00 and engagement of a practice monitor.

Mr. Tull, prior to the client's execution of a written waiver, failed to advise the client of potential conflicts of interest or the desirability of seeking independent legal advice, and further failed to provide the client with the opportunity to seek independent legal advice. Mr. Tull also failed to reasonably communicate with another client regarding the resolution of a discovery motion and the imposition of sanctions against the client.

Mr. Tull executed a conditional guilty plea in which he acknowledged his misconduct violated Tennessee Rules of Professional Conduct 1.4 (communication) and 1.8(a)(2) (conflict of interest).

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

JERE F. OWNBY, BPR # 014979
KNOX COUNTY

On January 14, 2019, Jere F. Ownby, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Ownby's law license was suspended on July 7, 2017. Mr. Ownby did not timely notify a divorce client of the suspension, and he did not notify opposing counsel or the court of the suspension until September 2018. Mr. Ownby's conduct resulted in harm to his client, the opposing party, and the court. Mr. Ownby has also failed to provide a written response to this disciplinary complaint.

By these acts, Mr. Ownby has violated Rules 8.4(d) (prejudice to the administration of justice), 8.4(g) (knowingly failing to comply with a court order in a proceeding in which attorney is a party), and Rule 8.1 (disciplinary matters) of the Rules of Professional Conduct, and he 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.

WILLIAM JEFFREY BARNES, ESQ.
BOCA RATON, FLORIDA

On January 16, 2019 William Jeffrey Barnes, of Boca Raton, Florida, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Between May 2011 and August 2017, Mr. Barnes was admitted to practice *pro hac vice* in nine foreclosure actions in state and federal court in Tennessee. In each of the nine matters, Mr. Barnes' supporting affidavit stated that a copy of the filing was being sent to the Board of Professional Responsibility contemporaneously. Mr. Barnes, however, failed to send the materials to the Board of Professional Responsibility and failed to timely pay his *pro hac vice* registration fee as required under Tennessee Supreme Court Rule 19(f).

By these acts, Mr. Barnes has violated Rules 3.4(c) (fairness to opposing party and counsel), 3.3 (candor to the tribunal) and 8.4(c) (conduct involving misrepresentation) of the Rules of Professional Conduct 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.

DONALD BRENT GRAY, BPR # 027263
CAMPBELL COUNTY

On January 23, 2019, Donald Brent Gray, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Gray was appointed to represent an indigent criminal client in General Sessions Court and was required to represent the client throughout the proceedings, including any appeals, until the case had been concluded or he was granted permission to withdraw by the court. After the conclusion of the General Sessions case, the client was indicted and Mr. Gray improperly advised the client that he could no longer represent him unless a \$10,000.00 retainer fee was paid. The client paid \$2,750.00 toward the fee and no written fee agreement was memorialized nor did Mr. Gray deposit the funds into his trust account until the fee had been earned. Mr. Gray also failed to inform the Circuit Court that he had been appointed to represent the client in that court.

By these acts, Donald Brent Gray has violated Rule of Professional Conduct 1.4 (communication), 1.5 (fees), 1.15 (safekeeping property), 1.16(c) (terminating representation), 3.3 (candor toward tribunal), and

8.4(a)(c)(d) (misconduct) and is hereby Publicly Censured for these violations. As a condition of the Public Censure, Mr. Gray shall be required to reimburse \$2,750.00 in fees directly to John Stephens at the rate of \$150.00 per month beginning February 1, 2019.

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

***PAMELA ANDERSON TAYLOR, BPR # 012264
DAVIDSON COUNTY***

On January 23, 2019, Pamela Anderson Taylor, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

In the representation of a client in a divorce action, Ms. Taylor issued a subpoena in noncompliance with applicable law. While representing a client in another divorce action, Ms. Taylor failed to comply with discovery deadlines established by the Court and otherwise failed to expedite litigation. Ms. Taylor was also nonresponsive to requests for information from the Board in its investigation of these matters.

By these acts, Pamela Anderson Taylor has violated Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 3.2 (expediting litigation), 3.4(c) (knowing violation of an obligation under the rules of a tribunal), and 8.1(b) (knowing failure to respond to a request for information from a disciplinary authority), 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.

***KIMBERLY DIANE RUSSELL, BPR # 018435
BLOUNT COUNTY***

On February 19, 2019, Kimberly Diane Russell, a Tennessee licensed attorney, was publicly censured by the Supreme Court of Tennessee. Additionally, Ms. Russell must engage a practice monitor at her own expense and meet with the practice monitor on a monthly basis to review basic office procedures. Ms. Russell was ordered to pay the costs and expenses of the Board.

The Board of Professional Responsibility filed a Petition for Discipline on May 23, 2018 concerning one (1) complaint of misconduct. Ms. Russell, while administratively suspended for CLE non-compliance, accepted a flat fee to prepare divorce documents for *pro se* divorce. Ms. Russell prepared

documents for the divorce and did not enter a written fee agreement for the non-refundable fee. Ms. Russell executed a Conditional Guilty Plea acknowledging her misconduct violated Tennessee Rules of Professional Conduct 1.4 (a) (5) (communication), 1.5 (fees), 5.5 (unauthorized practice of law), 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.

***TERRY RENEASE CLAYTON, BPR # 012392
DAVIDSON COUNTY***

On February 19, 2019, Terry Renease Clayton was publicly censured by Order of the Tennessee Supreme Court. Mr. Clayton must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

Mr. Clayton represented the plaintiffs in a personal injury case. In a Court of Appeals brief, and a Court of Appeals oral argument, Mr. Clayton attributed a statement to defense counsel that does not appear in the record.

Mr. Clayton's ethical misconduct violates Rules of Professional Conduct 3.1, Meritorious Claims and Contentions; and 3.3(a)(1), Candor toward the Tribunal.

***THOMAS W. THOMPSON, BPR # 030659
TAMPA, FLORIDA***

On March 25, 2019, Thomas W. Thompson, of Tampa, Florida, was publicly censured by Order of the Tennessee Supreme Court. As a condition of his public censure, Mr. Thompson must withdraw from all Tennessee cases where he is attorney of record. Mr. Thompson must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

On July 6, 2018, a Petition for Discipline was filed against Mr. Thompson alleging that he committed ethical misconduct by practicing law while suspended for failing to comply with continuing legal education requirements. Mr. Thompson resides in Florida where he is licensed to practice law. He is also licensed to practice law in Tennessee. He was suspended by the Tennessee Supreme Court on August 16, 2016, for failing to comply with continuing legal education requirements. While suspended, four lawsuits were filed in Tennessee naming him as the attorney for the plaintiffs. The lawsuits were prepared and filed by Mr. Thompson's nonlawyer staff without his knowledge. Mr. Thompson has not yet withdrawn from the cases.

Mr. Thompson entered into a conditional guilty plea admitting that his actions violated Rules of Professional Conduct 5.5(a), Unauthorized Practice of Law; and 8.4, Misconduct.

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

***ERICH WEBB BAILEY, BPR # 032614
DAVIDSON COUNTY***

On March 25, 2019, Erich Webb Bailey was publicly censured by Order of the Tennessee Supreme Court. As a condition of his public censure, Mr. Bailey must enter into a monitoring agreement with the Tennessee Lawyers Assistance Program (TLAP). Mr. Bailey must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

On October 4, 2017, a Petition for Discipline was filed against Mr. Bailey alleging that when he represented the mother in a child custody dispute, he failed to communicate with his client and failed to appear in court when the matter was set for hearing. Mr. Bailey entered into a conditional guilty plea admitting that his actions violated Rules of Professional Conduct 1.3, Diligence; 1.4, Communication; and 8.4, Misconduct.

On July 17, 2017, Mr. Bailey was temporarily suspended by the Tennessee Supreme Court for substantial noncompliance with a previous TLAP monitoring agreement. Mr. Bailey is reinstated from that suspension by this Order.

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

***JERRY D. HOLMES, JR., BPR # 016150
NORTH CAROLINA***

On March 28, 2019, Jerry D. Holmes, Jr., a Tennessee licensed attorney residing in North Carolina, was publicly censured by the Supreme Court of Tennessee and ordered to pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

The Board of Professional Responsibility filed a Petition for Discipline concerning one (1) complaint of misconduct. Mr. Holmes, while administratively suspended from the practice of law in Tennessee, prepared and sent an email in which he improperly designated himself as an attorney at law in Tennessee. Mr. Holmes executed a Conditional Guilty Plea acknowledging his misconduct violated Tennessee Rules of Professional

Conduct 7.1 (communications concerning lawyer's services) and 8.4 (misconduct of the Tennessee Rules of Professional Conduct).

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

JERRY FRANCIS TAYLOR, BPR # 007943
SHELBY COUNTY

By Order of the Tennessee Supreme Court entered October 8, 2018, the law license of Jerry Francis Taylor was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Taylor 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.

MONICA JOY FRANKLIN, BPR # 015461
KNOX COUNTY

By Order of the Tennessee Supreme Court entered October 8, 2018, the law license of Monica Joy Franklin was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Ms. Franklin 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.

SAMUEL LEE PERKINS, BPR # 011857
SHELBY COUNTY

By Order of the Tennessee Supreme Court entered October 8, 2018, the law license of Samuel Lee Perkins was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Perkins 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.

HARRY B. GILLEY, BPR # 002295
COFFEE COUNTY

By Order of the Tennessee Supreme Court entered October 26, 2018, the law license of Harry B. Gilley was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Gilley 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.

CARLA L. AREVALO, BPR # 031003
DAIVDSON COUNTY

By Order of the Tennessee Supreme Court entered November 21, 2018, the law license of Carla L. Arevalo was transferred to disability inactive status pursuant to Section 27.4 of Tennessee Supreme Court Rule 9.

Ms. Arevalo cannot practice law while on disability inactive status. She may not return to the practice of law until 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.

On January 11, 2018, Ms. Arevalo was temporarily suspended by order of the Tennessee Supreme Court. Ms. Arevalo has not requested nor been granted reinstatement from that suspension. In addition to reinstatement from disability inactive status, Ms. Arevalo may not return to the practice of law until after reinstatement by the Tennessee Supreme Court from this suspension.

MICHAEL DONALD TREACY, BPR # 023192
QUINCY, MASSACHUSETTS

By Order of the Tennessee Supreme Court entered December 3, 2018, the law license of Michael Donald Treacy was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Treacy 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.

GRANT WELLS SMITH, BPR # 003713
DAVIDSON COUNTY

By Order of the Tennessee Supreme Court entered January 16, 2019, the law license of Grant Wells Smith was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Smith 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.

CHERIE S. MONSON, BPR #015503
SULLIVAN COUNTY

By Order of the Tennessee Supreme Court entered January 25, 2019, the law license of Cherie S. Monson was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Ms. Cherie S. Monson 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.

JOHN LEE KENNEDY, BPR # 009109
DAVIDSON COUNTY

By Order of the Tennessee Supreme Court entered January 25, 2019, the law license of John Lee Kennedy was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. John Lee Kennedy 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.

***BILLY DUDLEY COBB, BPR # 003604
STEWART COUNTY***

By Order of the Tennessee Supreme Court entered January 25, 2019, the law license of Billy Dudley Cobb was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Cobb 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.

***LAWRENCE DOYLE WILSON, BPR # 004076
DAVIDSON COUNTY***

By Order of the Tennessee Supreme Court entered March 12, 2019, the law license of Lawrence Doyle Wilson was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Wilson 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 MARK MORGAN, BPR # 016389
JACKSONVILLE, FL***

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

Mr. Morgan 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.

REINSTATEMENTS

LARRY EDWARD PARRISH, BPR # 008464 SHELBY COUNTY

On October 5, 2018, the Supreme Court of Tennessee reinstated Larry Edward Parrish to the practice of law. Mr. Parrish had been suspended by the Supreme Court of Tennessee on August 14, 2018, for a period of six (6) months, with thirty (30) days to be served as an active suspension and the remainder on probation. Mr. Parrish filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4(c). The Board found that the Petition was satisfactory and submitted an Order of Reinstatement to the Court. Mr. Parrish must serve the remaining five (5) months on probation.

CANDACE LENETTE WILLIAMSON, BPR # 028933 SOUTHAVEN, MISSISSIPPI

By Order of the Tennessee Supreme Court entered October 19, 2018, the Tennessee law license of Candace Lenette Williamson of Southaven, Mississippi, was reinstated. Ms. Williamson is ordered to pay the Board's costs in this matter.

Ms. Williamson was temporarily suspended from the practice of law by Order of the Supreme Court on July 18, 2018, for failing to respond to the Board regarding a complaint of misconduct. On August 30, 2018, Ms. Williamson filed a Response to Petition for Temporary Suspension. On October 3, 2018, a Board Panel entered a recommendation that the temporary suspension be dissolved.

MICHAEL GIBBS SHEPPARD, BPR #019868 WILLIAMSON COUNTY

On October 25, 2018, the Supreme Court of Tennessee reinstated Michael Gibbs Sheppard to the practice of law. Mr. Sheppard was suspended by the Supreme Court of Tennessee on August 13, 2018, for a period of sixty (60) days, followed by two (2) years of probation. Mr. Sheppard filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4(c). The Board of Professional Responsibility found that the Petition was satisfactory and submitted an Order of Reinstatement to the Court. Mr. Sheppard must serve the remaining two (2) years on probation under the supervision of a practice monitor and take fifteen hours of continuing legal education on law office management and trust accounting procedures.

JAMAAL L. BOYKIN, BPR #031037
DAVIDSON COUNTY

On January 23, 2019, the Supreme Court of Tennessee reinstated Jamaal L. Boykin to the practice of law. Mr. Boykin had been suspended by the Supreme Court of Tennessee on June 19, 2018, for a period of two (2) years, with six (6) months to be served as an active suspension, and the remainder to be served on probation. Mr. Boykin filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4(c). The Board found that the Petition was satisfactory and submitted an Order of Reinstatement to the Court.

WILLIAM CLARK BARNES, JR., BPR # 011399
MAURY COUNTY

On January 25, 2019, the Supreme Court of Tennessee reinstated William Clark Barnes, Jr., to the practice of law effective immediately. Mr. Barnes had been suspended by the Supreme Court of Tennessee for three years on March 31, 2015, with six months active suspension and the remainder on probation with conditions. Mr. Barnes filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4.

A Hearing Panel found that Mr. Barnes complied with the terms and conditions of his suspension, and further found that he had demonstrated the moral qualifications, competency and learning in the law required for the practice of law, and that his resumption of the practice of law will not be detrimental to the integrity or standing of the bar or administration of justice, or subversive to the public interest. Based upon the Hearing Panel's recommendation, the Supreme Court reinstated Mr. Barnes's license to practice law. As conditions of his reinstatement, Mr. Barnes must have a practice monitor for one year, and enter into a new, two-year Tennessee Lawyers Assistance Program monitoring agreement. Mr. Barnes must pay the costs of the reinstatement proceeding.

ASHLEY DENISE PRESTON, BPR # 025642
DAVIDSON COUNTY

On February 21, 2019, the Supreme Court of Tennessee reinstated Ashely Denise Preston to the practice of law effective immediately. Ms. Preston had been suspended by the Supreme Court of Tennessee for four years on October 20, 2017, with two years active suspension, retroactive to February 23, 2016, with

conditions. Ms. Preston filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4.

A Hearing Panel found that Ms. Preston complied with the terms and conditions of her suspension, and further found that she had demonstrated the moral qualifications, competency and learning in the law required for the practice of law, and that her resumption of the practice of law will not be detrimental to the integrity or standing of the bar or administration of justice, or subversive to the public interest. Based upon the Hearing Panel's recommendation, the Supreme Court reinstated Ms. Preston's license to practice law. As conditions of her reinstatement, Ms. Preston must continue to engage a practice monitor and engage a licensed counselor to assist her. Ms. Preston must pay the costs of the reinstatement proceeding.

GERALD STANLEY GREEN, BPR # 009470
SHELBY COUNTY

On March 15, 2019, the Supreme Court of Tennessee reinstated Gerald Stanley Green to the practice of law effective February 24, 2019. Mr. Green had been suspended by the Supreme Court of Tennessee on January 24, 2019, for a period of six (6) months, with thirty (30) days served on active suspension and the remainder served on probation with conditions. Mr. Green filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4(c). The Board found that the Petition was satisfactory and submitted an Order of Reinstatement to the Court. Mr. Green's probation will end on July 24, 2019.

CRIMINAL CONTEMPT

ANDY LAMAR ALLMAN, BPR # 017846
SUMNER COUNTY

By order entered October 23, 2018, the Supreme Court adopted the report of a Special Master and held Andy Lamar Allman in criminal contempt and sentenced him to serve twenty (20) days in jail and pay a fine of \$100.00.

The Board of Professional Responsibility ("Board") filed a Second Amended Petition for Contempt on May 10, 2018, alleging Mr. Allman engaged in the unauthorized practice of law and failed to comply with the Order of Temporary Suspension entered by this Court on September 9, 2016, and Tennessee Supreme Court Rule 9, Section 28. Thereafter, Mr. Allman entered a plea agreement agreeing to plead nolo contendere to two separate counts of criminal contempt alleging he violated the Order of Temporary Suspension by undertaking

new representation of two separate clients two months after the effective date of his temporary suspension from the practice of law and accepting retainer fees totaling \$9,000.00. Pursuant to a hearing held August 30, 2018, the Special Master entered his report on September 6, 2018, accepting the plea and determining the maximum sentence of ten days and a \$50.00 fine for each count was appropriate and the sentences should run concurrently.

On September 13, 2018, the Supreme Court issued an order requiring Mr. Allman to show cause why the Court should not enter a judgment of contempt and impose the sentence determined by the Special Master. After considering the responses filed by Mr. Allman and the Board, the report of the Special Master and the transcript of the hearing, the Supreme Court adjudged Mr. Allman guilty of two counts of criminal contempt and sentenced him to a total of twenty (20) days in jail and a fine of \$100.00 pursuant to Tenn. Code Ann. 29-9-103. Mr. Allman was further ordered to surrender himself to the Sumner County Sheriff's Department within fifteen (15) days of October 23, 2018, or be subject to arrest.