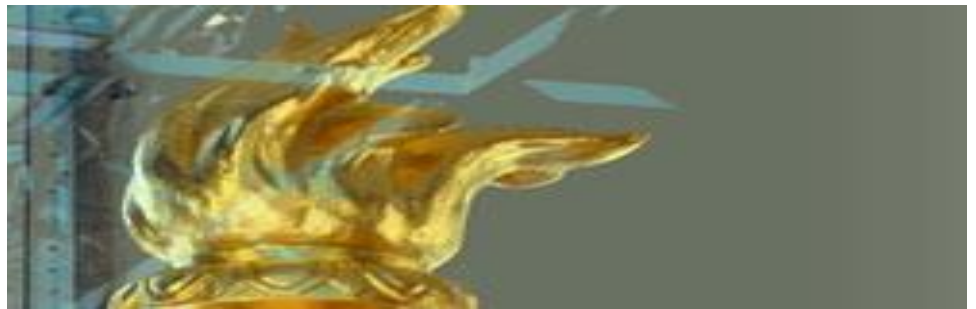


# BOARD NOTES

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## Spring 2020



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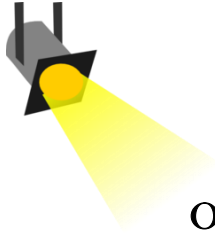
Chair, Board of Professional Responsibility

It seems hard to believe it has been a year since I wrote to welcome you to the Team at the Tennessee Board of Professional Responsibility. Now COVID-19 has hit.

We are now living in a world different than it was a month ago. We are working in a manner different than we ever have. Frankly it is a very unsettling time for all of us.

So, we hope that the lead article will be helpful to you as we move forward in these COVID-19 times.

We will make it through this. Be safe and stay strong.



## Our Ethical Obligations During the Coronavirus Shutdown<sup>1</sup>

On April 2, 2020, Governor Lee issued Executive Order 23 requiring Tennesseans to stay home until April 14, 2020, unless they are engaged in essential activities. Governor Lee's Executive Order 22 Exhibit A, item 24 includes legal services as essential services.

The Tennessee Supreme Court has also addressed the pandemic in several orders issued March 13, 2020; March 25, 2020; March 31, 2020; and April 2, 2020. [Click here](#) to access the orders on the Court's website. On [March 27, 2020](#), the Court further ordered that Board of Professional Responsibility's Proceedings Be Suspended and Deadlines Extended.

Pursuant to the Tennessee Supreme Court and Governor Lee's Orders, the Board of Professional Responsibility is operating during this period with staff working remotely. While there may be some delays, we are committed to seeing that our operations continue.

During this time of uncertainty, what can lawyers do to continue to ethically serve their clients while taking the steps necessary to protect the health and welfare of staff, clients, themselves and the community?

Below are a few suggestions to help navigate thru this challenging time:

- **Communicate with Clients**

Communicate with clients about how recent events impact the representation and how your firm will handle their matters during the stay-at-home order. Lawyers have a duty to keep clients reasonably informed about the status of their legal matters, and to explain matters to the extent reasonably necessary to permit clients to make informed decisions regarding representation. RPC 1.4.

Explain to clients how your response to the stay-at-home order will change the manner of your representation. For instance, will you need to meet with clients via teleconference instead of in-person? Will you need to continue or delay matters? Will another attorney need to help with the case?

Consider whether you can continue to provide competent, diligent representation to your clients particularly if you become sick. RPC 1.1; 1.3. If a client might be harmed by delay or

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<sup>1</sup> This article was adapted and reprinted with permission and is from an article of the same name originally authored by the Illinois Attorney Registration and Disciplinary Commission.

you will be unable to adequately prepare for matters, then you may need to withdraw. RPC 1.16(a)(1).

If you have a succession plan in place, consider whether to initiate the plan. If you are relying on representation by a lawyer outside of your firm, you should seek client consent. (Some lawyers include language that allows assistance by lawyers outside of their firm in their engagement agreements.)

If withdrawal is necessary, lawyers must take all reasonably necessary steps to protect clients' interests upon withdrawal. RPC 1.16(d). Upon withdrawal, RPC 1.16(d) requires that the lawyer take steps to the extent reasonably practicable to protect a client's interests, such as giving reasonable notice to the client, allowing time for employment of other counsel, surrendering papers and property to which the client is entitled and refunding any advance payment of fees or expenses that have not been earned or incurred.

- **Calendaring Dates and Deadlines**

Ensure your calendar is up-to-date and complete and that you have a backup copy of your calendar available both at home and at work. If your primary calendar is electronic, keep a backup paper copy in both locations and keep it up to date.

Immediately review upcoming deadlines for the next 60 days and consider how you will meet those deadlines should you be quarantined.

For litigation matters, see Tennessee Supreme Court' Orders IN RE: COVID-19 PANDEMIC limiting in-person proceedings: [March 13, 2020](#); [March 25, 2020](#); [March 31, 2020](#); and [April 2, 2020](#).

Tennessee Court Orders, Rules, Policies, Local Court Orders, Tennessee Government Actions and Coronavirus information are updated on the Administrative Office of the Courts website: <https://www.tncourts.gov/Coronavirus>.

- **Electronic Filing**

If you've never filed electronically from your home, then you should promptly test your capability to do so. If you are unable to file, take reasonable steps to correct the situation. Keep your filing credentials available at home and at the office.

If you rely on someone else to electronically file for you, notify that person well in advance of the filing due date.

- **Mail Delivery or Other Deliveries**

Consider arrangements to have mail delivered to your home or scanned and sent to you if you are out of the office. If necessary, have one person (and a backup) designated to go into the office to process physical mail, accept packages, and check to see if everything is running.

- **Working Remotely**

If you have not worked remotely recently or do not frequently work remotely, immediately test your ability to do so.

Take your laptop, power cords, and whatever paper calendar backups you have, home with you every day. If for any reason you feel ill, go home, but take your laptop (and your power cord) with you.

- **Data Security and Privacy**

Review and consider the privacy and security of any client records and documents. Is client information protected from breach? Consider the data security protocols that you have in place for your firm. Do those protections extend to the devices and internets of your staff who are now working from home?

#### Questions?

If you have an ethics inquiry, please use the Ethics Inquiry form found on the Board of Professional Responsibility's website at:

<https://www.tbpr.org/for-legal-professionals/informal-ethics-inquiries>.

Inquiries regarding attorney registration may be made by email to [registration@tbpr.org](mailto:registration@tbpr.org). All other inquiries may be made by telephone at (615) 361-7500 or (800) 486-5714. We may not be able to respond immediately to all inquiries. We thank you for your patience.

## Disaster Legal Response

By Laura Baker, Nashville Bar Association President

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In the early morning hours of March 3, disaster hit Middle Tennessee. A series of tornadoes touched down, causing massive destruction from Nashville to Putnam County. At least twenty-four people lost their lives, hundreds were injured, and thousands sustained property damage and other losses.

The legal community in Tennessee has a proud history of responding to the legal needs of survivors after a disaster hits, including the historic May 2010 flood in Nashville and the devastating 2016 Gatlinburg fire. Following a disaster, a number of legal issues arise, including making insurance claims, applying for FEMA aid, dealing with housing issues, and handling probate matters.

The legal aid community in Tennessee does a skillful job of providing legal services after a disaster, but they cannot do it alone. Following the tornadoes, the Nashville Bar Association, Tennessee Bar Association, and other local bar groups began a coordinated effort to address the legal needs of survivors. Along with the Legal Aid Society of Middle Tennessee and the Cumberland, the Tennessee Alliance of Legal Services (TALS), bar associations began recruiting volunteer lawyers to staff legal clinics in affected counties. Lawyers across the state immediately began answering the call to provide *pro bono* legal assistance to survivors by participating in legal clinics and answering legal questions through the [tn.freelegalanswers.org](http://tn.freelegalanswers.org) online platform. More than 150 lawyers signed up through a [central portal](#) on the NBA and TBA websites.

The Nashville Bar Association provided a free training seminar for volunteer lawyers with presentations from Dina Harwick with Texas RioGrande Legal Aid, Kathy Trawick with the Tennessee Fair Housing Council, and Kerry Dietz with the Legal Aid Society of Middle Tennessee and the Cumberland. The NBA has made the training materials and recording of the training presentation available free on the [NBA Website](#).

The Legal Aid Society created a [Tornado Relief Resource Center](#) on its website providing valuable resources for survivors and volunteer attorneys. Legal Aid has also held a number of free legal clinics staffed by volunteer lawyers.

Just when the legal response was ramping up, another disaster hit, not just Middle Tennessee, but the world. The COVID-19 pandemic has added another devastating layer to the tornado disaster.

As tornado survivors were starting the long process of rebuilding lives, homes, and businesses, the world began shutting down around them. The COVID-19 pandemic has complicated the legal response by making in-person legal clinics unfeasible and making communication with survivors more difficult. However, the legal response has continued undeterred.

The Legal Aid Society held a North Nashville Legal Clinic on March 19, which served as a beta test for a teleclinic model in which the legal needs of survivors could be addressed remotely. Twenty attorneys participated in the clinic, some in person (exercising appropriate social distancing protocols) and some by phone. We learned that our legal community could continue to serve our community's legal needs while also sheltering in place. Following the North Nashville Legal Clinic, all legal clinics have been converted to teleclinics. The Legal Aid Society has a full [schedule of clinics](#) in April. Survivors also can continue to access legal resources remotely by calling the 1-844-Help4TN hotline or visiting [tn.freelegalanswers.org](http://tn.freelegalanswers.org).

Upwards of 5,000 or more tornado survivors have registered for FEMA aid. Their applications are due by May 4, 2020. Some will be denied, and applicants will have 60 days to appeal. Lawyers will be needed to assist with these appeals. Law students at the University of Tennessee, the University of Memphis, and Vanderbilt University are gearing up to help in this effort.

In the immediate aftermath of a disaster, community participation in providing supplies and cleaning up is high. We have seen this in Middle Tennessee in the weeks that have followed the tornadoes. Scores of people headed to the affected communities to make donations, lend a hand or a chainsaw, and offer support. This immediate response provides survivors with help and hope. The need for assistance does not stop with this immediate aid. Full recovery can take years, and unless directly impacted, the community tends to move on to the next crisis, which in today's world is a global pandemic. Tornado survivors needs the help of Tennessee lawyers now more than ever as they face a multitude of legal issues arising out of concurrent disasters. Lawyers are uniquely equipped to provide critical services, particularly to the most vulnerable members of our communities. We routinely navigate treacherous waters with our clients with creativity and empathy. Tennessee lawyers can be proud of the work we have done so far in these troubling and uncertain times, and that we will continue to do to serve our communities in facing unprecedented legal challenges in the coming year.

# SPRING NOTES

By Floyd Flippin, Chair of the Board of Professional Responsibility

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Welcome to the Spring 2020 Board Notes. It seems hard to believe it has been a year since I wrote to welcome you to the Team at the Tennessee Board of Professional Responsibility.

I thought this year I would give you an account of some of the work done by the Board, its Attorneys, Staff and Hearing Panel Members. As you can see, we were all very busy.

In 2019, the Board received approximately 11,000 telephone calls. That averages to 917 calls per month. Using an average of 20 workdays per month, that averages to 46 calls per day.

In addition, the Board received 2,378 Consumer Assistance Program complaints. Using a 20 workdays per month analysis, this amounts to 10 complaints a day. These complaints involved matters where there has been alleged miscommunication between clients and lawyers, and don't generally require investigation but simply assistance in resolving the issue. Of these 2,378 complaints, 78% involved criminal law issues with the balance of 22% involving civil matters, primarily domestic relations and general civil litigation. These matters did not generally result in any discipline to the lawyers involved. We simply were able to work out the differences and have the attorneys and clients continue the representation.

In 2019, the Board received 1,285 complaints against lawyers that involved more than communication issues. Using a 20 workdays per month analysis, this amounts to a little more than 5 complaints a day. These complaints led to investigations that were done by the Staff Attorneys for the Board. Approximately 25% of these complaints were administratively dismissed. The administrative dismissals occur when the Disciplinary Counsel concludes that no ethical violation was stated on the face of the Complaint; there is not credible or verifiable proof to support the complaint; the attorney is deceased; the attorney was not licensed to practice in the State of Tennessee; is for a Civil Debt such as Court Reporting fees or Court cost; has been previously investigated by the Staff and closed; is against a Judge (in those cases, the complaint is referred to the Tennessee Board of Judicial Conduct); is premature because there are pending Motions and/or Court hearings in the case where the issue is being decided by the Trial Judge; is against a law firm as opposed to an attorney and finally has been investigated by another State where the acts occurred.

Of the 1285 Complaints that were filed in 2019, 397 were also closed in 2019 with the remainder pending into 2020. The 397 complaints that were closed resulted as follows: 16 Public Censures; 13 moved to retired status; 1 Private Reprimand; 15 Private Informal Admonitions ; 342 were dismissed by investigations; 5 dismissed by the Board itself; 4 closed because the attorney had passed away; 1 closed because of disability of the lawyer; 8 dismissals are on appeal by the Complainant; and 117 are currently in litigation or have been to litigation. Of these 117 complaints that went to litigation, 1 resulted in suspension of the Attorney and 16 resulted in Disbarment of an Attorney.

Complaints do not always get filed and closed in the same year. In addition to complaints filed in 2019, Disciplinary Counsel must also investigate and litigate complaints pending from previous years. In addition to the results above, additional disciplinary actions were taken in investigations on complaints pending from previous years as follows: 17 Public Censures; 10 Private Informal Admonitions; 21 Private Reprimands; 34 Diversion; 142 dismissed by Investigations; 13 retired/disability; 103 transferred to litigation; 2 dismissed by the Board of Professional Responsibility; 1 closed because the attorney passed away. In litigation, complaints resulted in the following: 23 transferred to Disability; 18 Disbarments; 14 Dismissals; 1 Dissolved; 4 Nonserious Crimes; 2 Nonsuited; 16 Public Censures; 3 Retired; 16 Suspensions; and 7 Temporary Suspensions.

The Board also received 118 Overdraft Notices on IOLTA (Interest on Lawyer's Trust Accounts) with 91 dismissed (a deposit did not get credited before check went through) and 27 were sent to Investigations.

In addition, the Board and its Staff presented 69 Continuing Legal Education seminars on Ethics. Also, there were also 2,550 ethical inquiries to the Board. These are situations where an attorney faces a situation and wants an advanced ruling on how to proceed. Using the 20-day workdays per month analysis, this amounts to 11 a day. These inquiries generally require the Board to not only answer the inquiry but send out a written opinion letter to the attorney.

The hope through this introduction is to show you what the team at the Board of Professional Responsibility dealt with in 2019. Please know that every phone call, every complaint, every inquiry and every contact that is made with the Board is important and will always receive the full attention of the Board.



# Tennessee Supreme Court Amends Tennessee Supreme Court Rule 9

By: Sandy Garrett, Chief Disciplinary Counsel, Board of Professional Responsibility

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By [Order filed January 23, 2020](#), the Tennessee Supreme Court revised Tennessee Supreme Court Rule 9 – Disciplinary Enforcement. The Supreme Court’s Order amended Section 30 of Rule 9 so that attorneys disbarred on or after July 1, 2020 are not eligible for reinstatement. Individuals disbarred prior to July 1, 2020 may still apply for reinstatement after the expiration of five years from the date of their disbarment. The Order also modifies Section 12 of Rule 9 to extend the maximum suspension period from five to ten years. After the Supreme Court’s initial Order filed September 18, 2019 soliciting comments to the proposed revisions, the Court received filed comments from the Tennessee Bar Association, the Knoxville Bar Association, the Board of Professional Responsibility, David Steele and Elliot Schuchardt.

## Board of Professional Responsibility New Board Members



**Stacey Brackeen Edmonson** is a native of Nashville, Tennessee. She currently serves as the Deputy District Attorney General for the 21st Judicial District where she has been employed since 2004. Prior to joining the District Attorney's Office, she was in private practice in Williamson County with a focus on criminal defense, juvenile and family law. Received law degree from Loyola University School of Law in New Orleans, LA and her undergraduate degree from Belmont University.

**Jennifer Hagerman** is a labor and employment attorney with Burch, Porter & Johnson, PLLC. Her practice is focused on employment litigation and counsel, as well as complex commercial litigation, with a particular emphasis on matters pending in federal court. She served as a judicial law clerk to the Honorable Judge Julia S. Gibbons, first with the United States District Court for the Western District of Tennessee and then with the United States Court of Appeals for the Sixth Circuit. Hagerman is a Past President of the Association of Women Attorneys Memphis Chapter, a Past Chairman of the Board of Directors of the Center City Commission, now the Downtown



Memphis Commission, and a former member of the Board of Directors of the Memphis Bar Association. She currently serves on the Management Committee at Burch, Porter & Johnson.

## Tennessee Lawyers' Fund for Client Protection New Board Members

**Mei Ling Davis** is the owner and member of Ventry, LLC, a Knoxville based small business that provides commercial facility management and operations, contact center operations and support in private and governmental sectors. Outside from work, Mei Ling is passionate about giving back to the community. She volunteers her time as a member of the University of Tennessee alumni board of directors and she established the Mei Ling Davis Graduate Nursing Scholarship in 2016. She is a member of the Leadership Knoxville 2017 graduate.



Born and raised in a small-town Northeast of Beijing, China, Mei Ling received her first undergraduate degree in Mechanical Engineering from Beijing University of Technology. She moved to East Tennessee in 2000 where she then earned a Bachelor of Science in Nursing and an MBA from the University of Tennessee Knoxville. Mei Ling also completed a Master's Certificate program in government contracting from The George Washington University and she is a certified Project Management Professional (PMP).



**Stacy Roettger** is the Senior Vice President/General Counsel of The Trust Company of Tennessee. She received a Bachelor of Arts in English, with honors, from the University of Tennessee. She then went on to receive her Juris Doctorate, with honors, at UTK. Stacy earned her Master of Laws in Taxation from New York University. She is a member of the Knoxville Bar Association, Knoxville Estate Planning Council, Tennessee Lawyer's Fund for Client Protection Board and previous Chairman of The Muse Knoxville Board. Stacy also has 20+ years of experience in business and individual tax planning, with a focus on gift, estate, and generation-skipping transfer tax planning.

# Disciplinary Actions

- (October 2019 – March 2020)
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## **DISBARMENTS**

### ***MAURICE RUDOLPH FRANKS, BPR #008180 TENNESSEE ATTORNEY***

Effective November 8, 2019, Maurice Rudolph Franks, now a resident of Baton Rouge, Louisiana was disbarred by Order of Reciprocal Discipline entered by the Supreme Court of Tennessee on November 8, 2019. Mr. Franks was disbarred from the practice of law by Order of the Supreme Court of Colorado entered May 14, 1990. On September 17, 2019, this Court entered a Notice of Reciprocal Discipline directing Mr. Franks to demonstrate to this Court, within thirty (30) days of receipt of the Notice, why the discipline imposed by the Supreme Court of Colorado should not be imposed by this Court. On October 9, 2019, Mr. Franks filed a response to the Court's September 17, 2019 Order. On October 22, 2019, the Board filed a reply to Mr. Franks' response as was requested by the Court.

Mr. Franks 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. Franks must pay the Board's costs and expenses and the court costs within ninety (90) days of the entry of the order.

### ***JEFFREY WADE DEER, BPR #018325 TENNESSEE ATTORNEY***

Effective January 7, 2020, Jeffrey Wade Deer, of Highland Park, Illinois was disbarred, retroactive to May 21, 2019, by Order of Reciprocal Discipline entered by the Supreme Court of Tennessee. Mr. Deer was disbarred from the practice of law in Illinois by Order of the Supreme Court of Illinois entered May 21, 2019. On September 6, 2019, the Supreme Court of Tennessee entered a Notice of Reciprocal Discipline directing Mr. Deer to inform the Court within thirty (30) days of receipt of the Notice why the discipline imposed by the Supreme Court of Illinois should not be imposed by this Court. Mr. Deer provided no response to the Supreme Court.

Mr. Deer 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 the procedure for reinstatement.

Mr. Deer must pay all costs incurred within ninety days of January 7, 2020. Prior to seeking reinstatement, Mr. Deer must meet all CLE requirements, remit all outstanding registration fees and professional privilege taxes, and have remitted all court costs.

***JONATHAN STEPHEN CARLTON, BPR #029768  
TENNESSEE ATTORNEY***

Effective February 19, 2020, the Supreme Court of Tennessee disbarred Jonathan Stephen Carlton from the practice of law in the State of Tennessee.

A Hearing Panel found Mr. Carlton was suspended from the practice of law by the Tennessee Supreme Court on October 19, 2017. On December 14, 2017, Mr. Carlton knowingly undertook the legal representation of a new client while suspended from the practice of law, knowingly charged an unreasonable fee and filed pleadings in court while suspended. Thereafter, Mr. Carlton failed to reasonably communicate with his client, failed to act in a diligent manner, and knowingly failed to respond to the Board concerning a disciplinary complaint. The Panel found Mr. Carlton's conduct violated Rules of Professional Conduct (RPC) 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.16 (declining or terminating representation), 3.3 (candor toward the tribunal), 5.5 (unauthorized practice of law), 8.1(b) (disciplinary matters), and 8.4(a), (c), (d) and (g) (misconduct).

Mr. Carlton must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 18 and 30, regarding the obligations and responsibilities of disbarred attorneys and may not return to the active practice of law until an order of reinstatement has been entered by the Supreme Court.

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

Effective March 12, 2020, the Tennessee Supreme Court disbarred Michael Glen Hatmaker, of Campbell County, Tennessee, from the practice of law. Mr. Hatmaker consented to disbarment because he could not successfully defend the charges alleged in nine (9) complaints filed against him with the Board. As a condition precedent to any reinstatement, Mr. Hatmaker agreed to make restitution totaling \$60,000.

Mr. Hatmaker's ethical misconduct violated Rules of Professional Conduct 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.16 (Declining or Terminating Representation), 3.4(c) (Fairness to the Opposing Party and Counsel), 5.5 (Unauthorized Practice of Law), 8.1 (Bar Admission and Disciplinary Matters), and 8.4(a), (b), (c) and (g) (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 disbarred attorneys and may not return to the active practice of law until an order of reinstatement has been entered by the Supreme Court.

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

Effective March 13, 2020, the Supreme Court of Tennessee disbarred Gregory Scott Norris from the practice of law and ordered him to pay restitution to six (6) former clients, totaling \$6,000.00. Mr. Norris must pay the Board's costs and expenses and the court costs in the disciplinary proceeding within ninety days of the entry of the Order of Enforcement.

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

Mr. Norris' ethical misconduct violated Rules of Professional Conduct 1.1 (competence); 1.3 (diligence); 1.4 (communication); 1.5 (fees); 1.16(d) (termination of representation); 3.2 (expediting litigation); 8.1 (disciplinary matters); 8.4(a) (misconduct), (d) conduct prejudicial to the administration of justice) and (g) violating the obligations of a court order).

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

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

Effective March 26, 2020, the Supreme Court of Tennessee disbarred Paul James Springer from the practice of law and ordered him to pay restitution to his client in the amount of \$150,000.00. A Petition for Discipline consisting of two (2) complaints was filed November 26, 2018.

After a hearing upon the disciplinary petition, a Hearing Panel determined Mr. Springer misappropriated settlement funds belonging to his client, made material misrepresentations to his client, failed to reasonably communicate with his client, engaged in the unauthorized practice of law, failed to notify clients of his suspension and withdraw as attorney of record, and engaged in criminal conduct as well as conduct involving dishonesty, deceit, misrepresentations and fraud. 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); 1.15 (safekeeping property and funds); 1.16 (declining or terminating representation); 4.2 (communication with a person represented by counsel); 5.5 (unauthorized practice of law); 8.1 (bar admission and disciplinary matters); and 8.4 (a), (b), (c), and (g) (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.

## **SUSPENSIONS**

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

On October 8, 2019, the Supreme Court of Tennessee entered an order suspending Matthew David Dunn from the practice of law for a period of five (5) years, with a minimum of three (3) years to be served as an active suspension, pursuant to Tennessee Supreme Court Rule 9, Section 12.2, and the remaining two (2) years to be served on probation, pursuant to Tennessee Supreme Court Rule 9, Section 14.1; and payment to the Board for all costs in the disciplinary proceeding.

A Hearing Panel found Mr. Dunn knowingly and intentionally failed to diligently respond to discovery requests; failed to respond to motions filed by opposing counsel; failed to comply with discovery obligations set forth in the Rules of Civil Procedure; failed to appear for scheduled court hearings; and failed to take any action to set aside the dismissal of his client's case. The Panel determined Mr. Dunn's lack of diligence resulted in the dismissal of his client's case with prejudice, and thereafter, Mr. Dunn failed to promptly inform his client of the dismissal of her action. The Panel further found Mr. Dunn knowingly and intentionally took advantage of his personal relationship with his client and her circumstances to pressure the client to settle her legal malpractice claim and withdraw her disciplinary complaint. Finally, the Panel found Mr. Dunn misled the Board to believe his client had accepted his offer to compensate her for the loss of her action.

Mr. Dunn is guilty of violating Rules of Professional Conduct (RPC) 1.3 (diligence), 1.4 (communication), 1.8(h)(2) (conflict of interest), 3.2 (expediting litigation), 3.4(c) and (d) (fairness to opposing party/counsel), 8.1(a) (disciplinary matters), and 8.4(a), (c), and (d) (misconduct).

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

***GAIL OSTBY MATHES, BPR #004649***  
***SHELBY COUNTY***

On October 14, 2019, the Supreme Court of Tennessee entered an order suspending Gail Ostby Mathes from the practice of law for a period of two (2) years, with six (6) months to be served as an active suspension, pursuant to Tennessee Supreme Court Rule 9, Section 12.2, and the remaining eighteen (18) months served on probation, pursuant to Tennessee Supreme Court Rule 9, Section 14.1; payment of restitution to three (3) former clients totaling \$3,700.00, and payment of costs to the Board of the disciplinary proceeding.

A Petition for Discipline consisting of seven (7) complaints was filed against Ms. Mathes by the Board. Ms. Mathes executed a conditional guilty plea acknowledging she failed to properly supervise a legal assistant in her office; accepted retainers but failed to provide diligent legal services to several clients; failed to reasonably communicate with several clients about the status of their cases; failed to refund unearned retainers after she was temporarily suspended; failed to provide documentation to the Board to substantiate her IOLTA account overdraft notice resulting from a legal assistant utilizing the wrong bank account; and failed to respond to the Board concerning a disciplinary complaint.

Ms. Mathes' conduct violated Rules of Professional Conduct 1.3 (Diligence); 1.4 (Communication); 1.5 (Fees); 1.15(d) (Safekeeping Property and Funds); 1.6(a) and (d) (Declining and Terminating Representation); 5.3(a), (b), and (c) (Responsibilities Regarding Nonlawyer Assistance); 8.1(a) and (b) (Bar Admission and Disciplinary Matters); and 8.4(a), (c), (d) and (g) (Misconduct).

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

***CHRISTOPHER PAUL WESTMORELAND***  
***BEDFORD COUNTY***

On October 16, 2019, the Supreme Court of Tennessee entered an order suspending Christopher Paul Westmoreland from the practice of law for nine (9) months, with one (1) month active suspension and the remainder on probation, pursuant to Tennessee Supreme Court Rule 9, Section 12.2, and the payment to the Board for all costs in the disciplinary proceeding.

Mr. Westmoreland admitted to violating the Rules of Professional Conduct in two client matters. In the first complaint, Mr. Westmoreland represented a client injured in an accident. Mr. Westmoreland filed the complaint after the statute of limitations had expired. Defense counsel discovered the statute of



limitations had passed and filed a motion to dismiss. Because Mr. Westmoreland missed the statute of limitations, the case was dismissed. In the second complaint, Mr. Westmoreland represented a client in appealing a general sessions judgment to circuit court. Mr. Westmoreland failed to appear at mediation and trial, and failed to notify his client of the date, time, and location of the trial. When neither Mr. Westmoreland nor his client appeared for trial, judgment was taken against his client.

Mr. Westmoreland has admitted that he violated Rules of Professional Conduct 1.1 (Competence), 1.3 (Diligence), 1.4 (Communication), 3.4(c) (Fairness to Opposing Counsel); and 8.4(a) and (d) (Misconduct).

Mr. Westmoreland must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement. Mr. Kennedy must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel, of the Supreme Court's Order suspending his law license. Mr. Kennedy is required to deliver to all clients any papers or property to which they are entitled.

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

***WENDELL KYLE HALL, BPR #017749  
KNOX COUNTY***

Effective October 29, 2019, the Supreme Court of Tennessee suspended Wendell Kyle Hall from the practice of law for a period of two (2) years, with sixty (60) days active suspension and the remainder on probation, pursuant to Tennessee Supreme Court Rule 9, Section 12.2. Mr. Hall must engage a practice monitor and pay the Board's costs and expenses and the court costs in the disciplinary proceeding within ninety days of the entry of the Order of Enforcement.

The trial court held that Mr. Hall deposited funds from a settlement into his trust account, converted those funds to pay for personal expenses, and failed to promptly notify a third party that he had received the funds. The trial court found that in a separate case Mr. Hall failed to serve a defendant, failed to properly dismiss the case, refiled the case improperly, and did not consult with his client regarding a motion to dismiss. The trial court determined that Mr. Hall filed a notice of appeal without advising his client, failed to comply with appellate procedures or respond to a show cause order, and caused the appeal to be dismissed. Finally, the trial court found that Mr. Hall failed to inform his clients that their lawsuit had been dismissed in the trial court and on appeal.

Mr. Hall's conduct violated Rule of Professional Conduct 1.2 (Scope of Representation), 1.4 (Communication), 1.15 (Safekeeping Property and Funds), and 8.4 (Misconduct).

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

***ERICA MAY LOTZ, BPR #031213  
DAVIDSON COUNTY***

Erica May Lotz, of Nashville, Tennessee was suspended by Order of Reciprocal Discipline entered by the Supreme Court of Tennessee on December 20, 2019, consistent with the discipline entered by the Supreme Court of Louisiana. On September 17, 2019, the Supreme Court of Louisiana suspended Ms. Lotz from the practice of law for a period of one year and one day, with all but thirty day of the suspension deferred, followed by a two-year period of unsupervised probation.

Ms. Lotz may not return to the practice of law in Tennessee until an order of reinstatement is entered by the Supreme Court of Tennessee and must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys. Ms. Lotz must pay the Board's costs and expenses and the court costs within ninety (90) days of December 20, 2019.

***CAPP PETERSON TAYLOR, BPR #025820  
JEFFERSON COUNTY***

On January 8, 2020, the Supreme Court of Tennessee entered an order suspending Capp Peterson Taylor from the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 12.2, for a period of two (2) years and ordered payment of costs to the Board for all costs in the disciplinary proceeding.

The Board of Professional Responsibility filed a Petition for Discipline on November 19, 2018, consisting of three (3) complaints of misconduct. The three (3) complaints arose from Mr. Taylor's representation of three (3) clients in their respective Federal Employee Compensation Act ("FECA") cases. The Hearing Panel found that Mr. Taylor failed to adequately communicate with the three (3) clients and failed to properly keep them informed of the status of their cases. Additionally, the Hearing Panel also found that Mr. Taylor was in an improper partnership with a non-lawyer and failed to deposit retainer fees into a trust account.

Mr. Taylor's ethical misconduct violates Rules of Professional Conduct (RPC) 1.4 (communication), 1.15 (a) and (c) (safekeeping property and funds), 5.4(b) (professional independence of a lawyer), and 8.4 (g) (misconduct).

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

***WHITNEY SUZANNE BAILEY, BPR #026785***  
***HAWKINS COUNTY***

On January 8, 2020, the Supreme Court of Tennessee entered an order suspending Whitney Suzanne Bailey from the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 12.2, for a period of two (2) years with forty-five (45) days active suspension and the remainder on probation, and ordered payment to the Board for all costs in the disciplinary proceeding. During the period of probation, Ms. Bailey shall obtain an evaluation with the Tennessee Lawyers Assistance Program, engage the services of a practice monitor, and successfully complete the Board of Professional Responsibility's three (3) hour trust accounting workshop.

Ms. Bailey admitted to violating the Rules of Professional Conduct in four client matters. In the first complaint, Ms. Bailey abandoned her client's case. In the second complaint, Ms. Bailey took no action after being retained to represent the complainant in a divorce action. In the third complaint, Ms. Bailey failed to file adoption paperwork for the client and misled the client regarding the status of her case. In the fourth complaint, Ms. Bailey was held in contempt of court by the Court of Criminal Appeals based on her ignoring the Court's prior orders and neglecting cases on appeal.

Ms. Bailey admitted her conduct violated the Rules of Professional Conduct 1.3 (Diligence), 1.4 (Communication), 1.16 (d)(4) and (6) (Declining and Terminating Representation), and 8.4 (d) (misconduct).

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

***BARBARA MORRIS ZOCCOLA, BPR #013020***  
***SHELBY COUNTY***

On January 15, 2020, the Tennessee Supreme Court suspended Barbara Morris Zoccola from the practice of law until further orders of the Court pursuant to Tennessee Supreme Court Rule 9, Section 22.3. Ms. Zoccola was suspended based upon her guilty plea for Theft of Public Money, Property, or Thing of Value

in the matter of United States of America v. Barbara Zoccola, in the United States District Court for the Western District of Tennessee. The Supreme Court's Order is effective immediately.

Pursuant to the Order of the Supreme Court, the matter has been referred to the Board to institute formal proceedings to determine the extent of the final discipline to be imposed upon Ms. Zoccola as a result of her conviction of a serious crime.

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

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

On January 22, 2020, the Supreme Court of Tennessee entered an order suspending James Lester Kennedy from the practice of law, pursuant to Tennessee Supreme Court Rule 9, Section 12.2, for a period of two (2) years and requiring payment to the Board for all costs in the disciplinary proceeding. Mr. Kennedy's suspension is to be served consecutive to a three (3) year suspension imposed by the Order of Enforcement entered June 5, 2019.

A Hearing Panel found Mr. Kennedy knowingly engaged in the unauthorized practice of law; knowingly engaged in conduct involving misrepresentations and deceit in dealings with opposing counsel, third parties and his client; knowingly failed to comply with the Order of Enforcement entered by the Supreme Court on July 20, 2017; and knowingly failed to remove the indicia of attorney, lawyer and counselor at law in his correspondence with counsel, the Administratrix and third parties in violation of Rules of Professional Conduct 3.4 (fairness to opposing party and counsel), 4.1 (truthfulness in statements to others), 5.5 (unauthorized practice of law), 8.1(b) (disciplinary matters), and 8.4(a), (c), (d) and (g) (misconduct).

Mr. Kennedy is suspended from the practice of law pursuant to Orders of Enforcement dated July 20, 2017, and June 5, 2019, and is precluded from practicing law; using any indicia of lawyer, legal assistant, or law clerk; or maintaining a presence where the practice of law is conducted until reinstated by the Supreme Court. Mr. Kennedy must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel, of the Supreme Court's Order suspending his law license and must deliver to all clients any papers or property to which they are entitled.

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

**JAMES A. DUNLAP**  
**GEORGIA ATTORNEY**

On February 7, 2020, the Supreme Court of Tennessee entered an order suspending James A. Dunlap from the practice of law in Tennessee for a period of one (1) year.

The Board of Professional Responsibility filed a petition for discipline against Mr. Dunlap alleging misconduct during an administrative appeal. The Hearing Panel found that Mr. Dunlap failed to provide the administrative law judge with material information regarding related federal claims, misled the same judge regarding the status of those claims, attempted to influence the judge by threatening to sue her in federal court if she did not grant his client the immediate remedies he was requesting, impeded in the administrative appeal process by engaging in conduct that was duplicitous and bullying, was unapologetic and saw nothing improper in his conduct.

On appeal, the trial court upheld the judgment of the Hearing Panel, and the Supreme Court affirmed, finding that Mr. Dunlap violated Tennessee Rules of Professional Conduct 3.3 (candor toward the tribunal); 3.5(a) (impartiality and decorum of the tribunal); 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation); and 8.4(d) (conduct that is prejudicial to the administration of justice).

Pursuant to Tenn. Sup. Ct. R. 9, Section 28.1, the suspension is effective upon entry of the order by the Court. Mr. Dunlap 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 in Tennessee until an order of reinstatement has been entered by the Supreme Court.

**ROBERT L. BOOKER, BPR #024887**  
**MONTGOMERY COUNTY**

Effective March 11, 2020, the Supreme Court of Tennessee suspended Robert L. Booker from the practice of law for a period of three (3) years, pursuant to Tennessee Supreme Court Rule 9, Section 12.2. Mr. Booker must pay the Board's costs and expenses and the court costs in the disciplinary proceeding within ninety days of the entry of the Order of Enforcement.

The hearing panel held that Mr. Booker, while representing a seller of a music collection, concealed the identity of the purchaser from his client for fear that his client would negotiate directly with the purchaser and exclude him from the transaction, withheld communications from his client, had a conflict of interest; and sent inappropriate communications to his client.

In a separate matter, the hearing panel found that Mr. Booker provided false disclosures to the United States District Court for the Eastern District of Texas in his application for admission by failing to disclose previous discipline from Utah, the Ninth Circuit Court of Appeals and Tennessee, failed to provide adequate representation to his client, and engaged in improper billing practices by charging exorbitant fees.

Mr. Booker's conduct violated Rules of Professional Conduct 1.4 (Communication); 1.7(a) (Conflicts of Interest); 1.16 (Terminating Representation); 8.1(a) (Bar Admission and Disciplinary Matters); and 8.4(a) and (c) (Misconduct). Mr. Booker's conduct also violated Texas Rules of Professional Conduct 1.01 (Competent and Diligent Representation); 1.04 (Fees); 8.01 (Bar Admission, Reinstatement and Disciplinary Matters); and 8.04(3) (Conduct involving Dishonesty, Fraud, Deceit or Misrepresentation).

Mr. Booker must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement. In addition, as a condition of reinstatement, Mr. Booker must pay restitution to one client in the amount of \$136,275.00.

***JAMES AUSTIN DUKES, BPR #026731  
TENNESSEE ATTORNEY***

On March 11, 2020, the Tennessee Supreme Court suspended James Austin Dukes from the practice of law until further orders of the Court pursuant to Tennessee Supreme Court Rule 9, Section 22.3. Mr. Dukes was found guilty of theft of \$25,000.00 or more; theft of assets of aged; and exploitation of the infirmed in Docket 1-703267 in the State of Louisiana, Parish of Tangipahoa.

Pursuant to the Order of the Supreme Court, the matter has been referred to the Board to institute formal proceedings to determine the extent of the final discipline to be imposed upon Mr. Dukes as a result of his conviction of a serious crime.

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

***MATTHEW LEDVINA, BPR #022889  
TENNESSEE ATTORNEY***

On March 11, 2020, the Tennessee Supreme Court suspended Matthew Ledvina from the practice of law until further orders of the Court pursuant to Tennessee Supreme Court Rule 9, Section 22.3. Mr. Ledvina

pled guilty to conspiracy to commit securities fraud in the United States District Court for the District of Massachusetts.

Pursuant to the Order of the Supreme Court, the matter has been referred to the Board to institute formal proceedings to determine the extent of the final discipline to be imposed upon Mr. Ledvina as a result of his conviction of a serious crime.

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

### **TEMPORARY SUSPENSIONS**

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

On October 11, 2019, the Supreme Court of Tennessee reinstated the temporary suspension of Brian Phillip Manookian from the practice of law upon finding that Mr. Manookian 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 if an attorney poses a threat of substantial harm to the public.

Mr. Manookian is immediately precluded from accepting any new cases, and he must cease representing existing clients by November 10, 2019. After November 10, 2019, 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.

#### ***WENDELL J. O'REILLY, BPR #022217 WILLIAMSON COUNTY***

On October 17, 2019, the Supreme Court of Tennessee temporarily suspended Wendell J. O'Reilly from the practice of law upon finding that Mr. O'Reilly failed to respond to the Board of Professional

Responsibility. Section 12.3 of Supreme Court Rule 9 provides for the immediate temporary suspension of an attorney's license to practice law in cases where an attorney fails to respond to a disciplinary complaint.

Mr. O'Reilly is immediately precluded from accepting any new cases, and he must cease representing existing clients November 16, 2019. After November 16, 2019, Mr. O'Reilly shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

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

***JOHN RYAN POOLE, BPR #035782  
DAVIDSON COUNTY***

On December 17, 2019, the Supreme Court of Tennessee temporarily suspended John Ryan Poole from the practice of law upon finding Mr. Poole failed to respond to the Board, 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 if an attorney poses a threat of substantial harm to the public.

Mr. Poole is immediately precluded from accepting any new cases, and he must cease representing existing clients by January 16, 2020. After January 16, 2020, Mr. Poole shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

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

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



***KYLE DOUGLAS VAUGHAN, BPR #032416  
SULLIVAN COUNTY***

On January 21, 2020, the Supreme Court of Tennessee temporarily suspended Kyle Douglas Vaughan from the practice of law upon finding that Mr. Vaughan misappropriated funds for his own use 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 where an attorney misappropriated funds or poses a threat of substantial harm to the public.

Mr. Vaughan is immediately precluded from accepting any new cases, and he must cease representing existing clients by February 21, 2020. After February 21, 2020, Mr. Vaughan shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

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

***PHILIP JOSEPH PEREZ, BPR #021920  
DAVIDSON COUNTY***

On January 27, 2020, the Supreme Court of Tennessee temporarily suspended Philip Joseph Perez from the practice of law upon finding that Mr. Perez failed to respond to the Board regarding two (2) complaints 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 complaints of misconduct.

Mr. Perez is immediately precluded from accepting any new cases, and he must cease representing existing clients by February 26, 2020. After February 26, 2020, Mr. Perez shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

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

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

***BRADLEY MICHAEL CARTER, BPR #024093***  
***WILLIAMSON COUNTY***

On January 17, 2020, the Supreme Court of Tennessee temporarily suspended Bradley Michael Carter from the practice of law upon finding that Mr. Carter misappropriated funds and posed a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases where an attorney misappropriated funds or poses a threat of substantial harm to the public.

Mr. Carter is immediately precluded from accepting any new cases and must cease representing existing clients by February 17, 2020. After February 17, 2020, Mr. Carter shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

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

***JAKE PRESTON EVANS, BPR #022217***  
***TENNESSEE ATTORNEY***

On March 9, 2020, the Supreme Court of Tennessee temporarily suspended Jake Preston Evans from the practice of law upon finding that Mr. Evans failed to respond to the Board of Professional Responsibility. Section 12.3 of Supreme Court Rule 9 provides for the immediate temporary suspension of an attorney's license to practice law in cases where an attorney fails to respond to a disciplinary complaint.

Mr. Evans is immediately precluded from accepting any new cases, and he must cease representing existing clients by April 9, 2020. After April 9, 2020, Mr. Evans shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

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

***MARK STEVEN GRAHAM, BPR #011505  
KNOX COUNTY***

On March 11, 2020, the Supreme Court of Tennessee temporarily suspended Mark Steven Graham from the practice of law upon finding that Mr. Graham 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 if an attorney poses a threat of substantial harm to the public.

Mr. Graham is immediately precluded from accepting any new cases, and he must cease representing existing clients by April 10, 2020. After April 10, 2020, Mr. Graham shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

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

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

**PROHIBITED FROM PRACTICING LAW IN TENNESSEE**

***CASSIDY TEATER  
KENTUCKY ATTORNEY***

On January 27, 2020, Cassidy Teater of Louisville, Kentucky was prohibited from practicing law in the courts of the State of Tennessee by the Supreme Court and ordered to pay restitution to one client as a condition of reinstatement.

Ms. Teater is licensed to practice law in Kentucky and Texas. While living in Nashville, TN, she represented an individual in the United States Immigration Court. After accepting fee payment for representation, Ms. Teater ceased communicating with her client and failed to perform the services for which she was paid.

Ms. Teater's ethical misconduct violates Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4(a) (communication), 1.5 (fees), 1.16(d) (termination of representation), 8.1(b) (bar and disciplinary matters), and 8.4(a) (misconduct). Ms. Teater must pay the court costs within ninety (90) days of the entry of the order.

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

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

## **PUBLIC CENSURES**

### ***SCOTT DAVID JOHANNESSEN, BPR #026767 DAVIDSON COUNTY***

On October 1, 2019, Scott David Johannessen, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Johannessen assisted a client in preparing an appellate brief to be filed in the United States Court of Appeals for the Sixth Circuit. Thereafter, in a substantially related matter, Mr. Johannessen filed pleadings on behalf of a separate client which had interests materially adverse to those of his former client.

By these acts, Scott David Johannessen has violated Rule of Professional Conduct 1.9(a) (Duties to Former Clients) and 8.4(a) (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.

**JAHARI MABRY DOWDY, BPR #24144  
SHELBY COUNTY**

On October 4, 2019, Jahari Mabry Dowdy, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Ms. Dowdy represented a client in pursuing a guardianship over a minor child. The final order required Ms. Dowdy's client to place designated funds in escrow, with both Ms. Dowdy and her client named as co-trustees over the funds. Ms. Dowdy failed to take any action to facilitate transfer of the funds and did not respond to subsequent inquiries and directives from the Court and the Clerk and Master concerning this matter. Ms. Dowdy also failed to maintain good communication with her client during the representation.

By these acts, Jahari Mabry Dowdy, has violated Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4(a) (communication), 3.2 (expediting litigation), 3.4(c) (knowing disobedience to an obligation under the rules of a tribunal), and 8.4(g) (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.

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

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

**JAMES BRODERICK JOHNSON, BPR #015509  
DAVIDSON COUNTY**

On October 4, 2019, James Broderick Johnson, 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 fees to the Board of Professional Responsibility in the amount of \$2,703.51.

Mr. Johnson made a misrepresentation to the court during a hearing. The court took a recess to give Mr. Johnson the opportunity to discuss the statement with his counsel. When the court resumed the hearing, Mr. Johnson acknowledged the misrepresentation and corrected the statement.

Mr. Johnson executed a conditional guilty plea in which he acknowledged his misconduct violated Tennessee Rules of Professional Conduct 3.3(a)(1) (Candor toward the Tribunal) and 8.4(c) (Misconduct).

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

***RONALD ANDRE STEWART, BPR #023042  
DAVIDSON COUNTY***

On October 4, 2019, Ronald Andre Stewart, 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 fees to the Board of Professional Responsibility.

Mr. Stewart was retained to represent a client in a medical malpractice claim. Mr. Stewart delayed in filing the complaint and did not timely issue the summonses on the defendants. Due to the delays, Mr. Stewart dismissed the case without properly consulting his clients.

Mr. Stewart executed a conditional guilty plea in which he acknowledged his misconduct violated Tennessee Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4 (communication), 3.2 (expediting litigation), and 8.4(a) and (c) (Misconduct).

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

***RUSSELL LEE LEONARD, #014191  
FRANKLIN COUNTY***

On October 10, 2019, Russell Lee Leonard, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Leonard represented three clients in a dispute against a man they alleged was acting as a real estate agent without a license. In December 2014, the civil matter was settled and Mr. Leonard's clients signed a settlement agreement and release. In January 2015, Mr. Leonard filed a written complaint with the Tennessee Real Estate Commission against the civil defendant, but he did so in the names of his three clients, including their affidavits and not including his own name or signature. Mr. Leonard sent a cover letter stating that his clients had asked him to file this complaint. In reality, Mr. Leonard's clients were not aware he had filed the complaint and did not authorize him to do so.

The civil defendant was assessed a fine by the Real Estate Commission for his conduct. Thereafter, he filed a civil lawsuit against Mr. Leonard and the three clients individually, alleging that the filing of the real estate disciplinary complaint was in violation of the settlement agreement and release the clients had executed in December 2014. The trial court found in favor of the plaintiff, and entered a judgment against Mr. Leonard

and his clients, jointly and severally, in the amount of \$20,000, for the fine the plaintiff had to pay to the Real Estate Commission and for his attorney fees. The judgment was affirmed on appeal and remanded for additional attorney fees on appeal.

Mr. Leonard's conduct in filing a disciplinary complaint with the Real Estate Commission against a former adverse party in the name of his clients with their affidavits only and not his own when the clients did not authorize him to do so, is in violation of Rule of Professional Conduct 1.2 (scope of representation) and 8.4(d) (prejudice to the administration of justice) and resulted in significant harm to his clients. Mr. Leonard is hereby publicly censured for this conduct.

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

***DON ANTHONY HANDLEY, BPR #21503  
SHELBY COUNTY***

On October 10, 2019, Don Anthony Handley, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

The public censure arose out of two disciplinary complaints. In the first complaint, Mr. Handley failed to timely file suit for a personal injury client. In the second complaint, Mr. Handley delayed in transmitting settlement funds held in his trust account to a medical provider claiming a subrogation interest. In both complaints, Mr. Handley failed to maintain good communication with his clients.

By these acts, Don Anthony Handley has violated Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4 (communication), 1.15 (safekeeping property and funds), and 1.16(d) (declining or terminating representation) 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.

***TIMOTHY JOEL WILLIAMS, BPR #010159  
SHELBY COUNTY***

On October 11, 2019, Timothy Joel Williams, an attorney licensed to practice law in Shelby County, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Williams failed to safeguard client funds designated for payment to an expert for an evaluation of a client's case. Mr. Williams instead provided at least a portion of the funds to an inactive attorney employed

with Mr. Williams' law firm for his opinion about the merits of the case. Although Mr. Williams later reimbursed the funds to the client, Mr. Williams' reimbursement check was not drawn on his client trust account.

By these acts, Timothy Joel Williams has violated Rule of Professional Conduct 1.15 (safekeeping property), 5.3 (responsibilities regarding non-lawyer assistance), and 5.5(a) (unauthorized practice of law) 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.

***STEPHEN F. LIBBY, #015542***  
***SHELBY COUNTY***

On October 11, 2019, Stephen F. Libby, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court. Mr. Libby represented a client in a car accident matter in which he understood the client to have suffered relatively minor temporary injuries. Due to an office scheduling error, Mr. Libby missed the statute of limitations for filing a lawsuit for his client. Though he discovered the error within a few weeks, Mr. Libby did not tell the client of the error for one year. Mr. Libby failed to respond to multiple inquiries from the client about whether the lawsuit had been filed. After informing the client of the error, Mr. Libby made a settlement offer to his client without complying with Rule 1.8 (a) (conflict of interest), including advising his client in writing to seek the advice of counsel. In mitigation, the client had a civil remedy for Mr. Libby's error which she pursued.

By these acts, Mr. Libby has violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.8 (conflict of interest, specific rules), 8.4(c) (conduct involving misrepresentation), and 8.4(d) (prejudice to the administration of justice), and he is hereby publicly censured.

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

***RANDY NELSON SONGSTAD, #018442***  
***SHELBY COUNTY***

On October 14, 2019, Randy N. Songstad, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.



Mr. Songstad held over \$350.00 in personal funds in his trust account, resulting in commingling of funds in violation of Rule 1.15(a) (safekeeping funds). Several months later, Mr. Songstad deposited over \$11,000 in an earned fee into trust because he did not have an operating account, resulting in the further commingling of client funds and personal funds in violation of Rule 1.15.

By these acts, Mr. Songstad has violated Rule of Professional Conduct 1.15 (safekeeping funds) on multiple occasions. For this conduct, Mr. Songstad is hereby publicly censured with the condition that he attend the Board's Trust Account Workshop on March 25, 2020.

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

***JAMES DOUGLAS MORY, BPR #022203  
TENNESSEE ATTORNEY***

On October 16, 2019, James Douglas Mory, an attorney licensed to practice law in Kentucky and Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Mory's Tennessee law license was administratively suspended on August 22, 2018 for noncompliance with his CLE requirements. Thereafter, Mr. Mory engaged in the unauthorized practice of law by continuing to represent his Tennessee clients until the reinstatement of his license.

By these acts, James Douglas Mory, 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.

***CHARLES EDGAR WALDMAN, BPR #014682  
SHELBY COUNTY***

On October 21, 2019, Charles Edgar Waldman, an attorney licensed to practice law in Shelby County, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Waldman failed to timely file a Motion for New Trial after sentencing of a criminal client which resulted in the loss of jurisdiction over the case by the trial court and passing of the appeal deadline. Mr. Waldman thereafter failed to protect the client's interests by requesting permission to late-file the appeal and instead withdrew from further representation.

By these acts, Charles Edgar Waldman, violated Rule of Professional Conduct 1.16(d) (terminating representation) and 8.4(a) and (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.

***WILLIAM ALLAN COHN, BPR #005873  
SHELBY COUNTY***

On October 22, 2019, William Allan Cohn, a Tennessee licensed attorney, was publicly censured by the Supreme Court of Tennessee and ordered to pay the expenses of the Board as well as restitution to his client.

The Board of Professional Responsibility filed a Petition for Discipline on June 5, 2018, concerning one (1) complaint of misconduct. Mr. Cohn accepted a non-refundable fee and cost deposit to handle an uncontested divorce. After completing the necessary pleadings, his client's wife refused to sign the documents, and Mr. Cohn was terminated by his client. Mr. Cohn believed that the fee agreement entitled him to additional fees, and he used the cost deposit to cover the additional fees. No costs had been incurred during the course of the representation, and the cost deposit should have remained in Mr. Cohn's IOLTA account until they were refunded to the client.

A Hearing Panel found that Mr. Cohn violated Rules of Professional Conduct 1.15(c) (safekeeping property and funds) 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.

***ANDREW EDWARD BATEMAN, BPR #34138  
McMINN COUNTY***

On November 5, 2019, Andrew Edward Bateman, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Bateman had a concurrent conflict of interest after agreeing to represent both husband and wife in a step-parent adoption and, while such representation was ongoing, filing a divorce complaint on behalf of the husband against the wife. Mr. Bateman was specifically instructed by wife's divorce counsel not to file an adoption petition the wife had previously executed, but he nevertheless filed the petition with the court. Mr. Bateman included language in the petition indicating it was unknown whether wife still consented to the

adoption proceeding even though Mr. Bateman had been informed that the wife had withdrawn her consent to the adoption. Mr. Bateman also assisted the husband in ghostwriting pleadings in his divorce case after he had withdrawn from the representation.

By these acts, Andrew Edward Bateman, has violated Rule of Professional Conduct 1.2 (scope of representation), 1.7(a) (conflict of interest), 3.1 (meritorious claims), 3.3(a) (candor toward tribunal), 4.1 (truthfulness in statements to others), and 8.4(a)(c) and (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.

***SAL WILLIAM VARSALONA, BPR #015900  
ANDERSON COUNTY***

On November 18, 2019, Sal William Varsalona, a Tennessee licensed attorney, was publicly censured by the Supreme Court of Tennessee and ordered to pay the expenses of the Board.

The Board of Professional Responsibility filed a Petition for Discipline on July 9, 2018 concerning one (1) complaint of misconduct. Mr. Varsalona represented a client in a divorce action and did not sufficiently communicate with opposing counsel and was not candid with the trial court. Mr. Varsalona executed a Conditional Guilty Plea acknowledging his misconduct violated Tennessee Rules of Professional Conduct 3.3 (candor toward the tribunal), 3.4 (fairness to opposing party and counsel), 3.5 (impartiality of tribunal), and 8.4(a), (c), and (d) (misconduct).

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

***ERIC JASON BYRD  
GEORGIA ATTORNEY***

On December 26, 2019, Eric Jason Byrd, an attorney whose admission to practice law in Tennessee is pending, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Byrd began working remotely for a Tennessee law firm in late 2018. In January 2019, Mr. Byrd moved to Nashville and began working in the law firm's Nashville office. Mr. Byrd did not file an application for comity admission to Tennessee until May 16, 2019. Mr. Byrd's biographical information on his law firm's

web page did not indicate that he was not yet licensed to practice law in Tennessee. The letterhead used by the firm also did not accurately reflect that Mr. Byrd was not yet licensed in Tennessee from January until June 2019.

By these acts, Mr. Byrd has violated Rules of Professional Conduct 5.5 (unauthorized practice of law) and 7.1 (communication concerning a lawyer's services), and he is hereby publicly censured for this conduct.

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

***MARIE A. WASHINGTON, BPR #010854  
MEMPHIS ATTORNEY***

On January 10, 2020, Marie A. Washington, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Ms. Washington did not adequately communicate to her client the terms of her fee agreement. Ms. Washington made application to the court for payment of her fees which was far in excess of the outstanding amount previously provided to her client. Ms. Washington failed to notify the court that she had been paid by her client for a portion of the legal services submitted in her fee application. The court approved a significant portion of Ms. Washington's fee request. Ms. Washington's client retained new counsel and notified Ms. Washington of a claim to a portion of the fees which were to be paid to Ms. Washington. Upon receipt of funds pursuant to her approved fee application, Ms. Washington failed to safeguard the funds until the dispute with her former client was resolved.

By these acts, Marie A. Washington has violated Rule of Professional Conduct 1.4 (communication), 1.5 (fees), 1.15 (safekeeping property), 3.3 (candor toward tribunal), 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.

***LEWIS LYMAN LASKA, BPR #002588  
NASHVILLE ATTORNEY***

On January 10, 2020, Lewis Lyman Laska, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Laska improperly sought written discovery from non-parties through subpoena while representing himself in his own divorce proceeding. Mr. Laska informed one of the non-parties that they could face criminal action if they failed to properly respond to the subpoena. Mr. Laska also engaged in harassing conduct against the non-parties which included a threat to file a disciplinary complaint against a non-party attorney to gain an advantage in his civil proceeding.

By these acts, Lewis Lyman Laska has violated Rule of Professional Conduct 4.4(a)(1-2) and 8.4(a), (c), and (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.

***GREGORY WADE DAWSON, BPR #32063  
NASHVILLE ATTORNEY***

On January 13, 2020, Gregory Wade 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 knowingly provided legal services to clients, prepared and filed pleadings, and appeared in court after he was administratively suspended from the practice of law.

By these acts, Gregory Wade Dawson has violated Rule of Professional Conduct 5.5 (unauthorized practice of law) and 8.4(d) (conduct prejudicial to administration of justice), and is hereby Publicly Censured for these violations.

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

***CHARLES EDGAR WALDMAN, BPR #14682  
MEMPHIS ATTORNEY***

On January 15, 2020, Charles Edgar Waldman, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Waldman failed to obtain a written fee agreement signed by his client and thus should have deposited the funds into his client trust account but did not do so. Mr. Waldman was not diligent in his representation of his client or the expedition of the client's legal matter. There were large gaps of time in which Mr. Waldman could not explain or corroborate any communication he had with his client. After the

client terminated Mr. Waldman's representation, Mr. Waldman failed to formally withdraw as counsel from the client's civil action.

By these acts, Charles Edgar Waldman has violated Rule of Professional Conduct 1.3 (diligence), 1.4 (communication), 3.2 (expediting litigation), 1.15 (safekeeping property), and 1.16(c) (terminating representation) 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.

***CHRISTI LEIGH THOMPSON, BPR #20308  
LAWRENCE COUNTY***

On January 17, 2020, Christi Leigh Thompson, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Ms. Thompson, an Assistant District Attorney General, made several inappropriate comments during her opening statement and closing argument in a criminal trial which were clearly impermissible and prejudicial to the defendant. Ms. Thompson's conduct negated the defendant's right to a fair trial and the case was reversed on appeal for prosecutorial misconduct.

By these acts, Christi Leigh Thompson, has violated Rules of Professional Conduct 3.4(e)(3) (fairness to opposing party and counsel) and 8.4(d) (conduct prejudicial to administration of justice), and is hereby Publicly Censured for this violation.

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

***JAMES D.R. ROBERTS, BPR #17537  
NASHVILLE ATTORNEY***

On January 22, 2020, James D.R. Roberts, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Roberts enlarged the scope of his legal services with a client and altered the terms of his fee agreement without adequately communicating with his client. Mr. Roberts later claimed an interest in certain funds paid into court for the benefit of his client which led to a dispute and a termination of Mr. Roberts' representation of the client. After a hearing, the court issued a final order denying the payment of any funds to Mr. Roberts. The court found that Mr. Roberts failed to communicate the terms of his amended fee

arrangement with his former client and failed to set forth the new terms of his fee in a writing signed by the former client with the opportunity to seek the advice of independent counsel.

By these acts, James D.R. Roberts has violated Rule of Professional Conduct 1.5 (fees) and 1.8(a) (conflict of interest) 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.

***MICHAEL LEON HARRIS, BPR #030634  
SHELBY COUNTY***

On January 22, 2020, Michael Leon Harris, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Harris represented a homeowner in a detainer action by the mortgagor. After the detainer was granted, Mr. Harris filed a petition for Chapter 13 bankruptcy for the client to stop the eviction. Mr. Harris, however, made no further filings on the case, and it was dismissed by the court 17 days later. The mortgagor then received another writ of possession, and Mr. Harris filed a second Chapter 13 bankruptcy for the client. This second bankruptcy petition was dismissed by the court when Mr. Harris made no further filings. Mr. Harris filed two additional bankruptcy petitions, each of which was dismissed after no subsequent filings. The mortgagor eventually received relief from the court to execute on its writ of possession.

Mr. Harris' four bankruptcy filings for his client were not meritorious and were, instead, filed to improperly stop execution on valid writs of execution. The filings were in violation of Rule 3.1 (meritorious claims and contentions), and 8.4(d) (prejudice to the administration of justice). Mr. Harris typed his client's name as a "signature" for each petition, without having the actual signature of his client for each petition, which is a misrepresentation to the court in violation of Rule 3.3 (candor to the tribunal). Mr. Harris has failed to respond to requests for information on this matter in violation of Rule 8.1 (disciplinary matters).

By these acts, Mr. Harris has violated Rules of Professional Conduct 3.1 (meritorious claims and contentions), 8.4(d) (prejudice to the administration of justice), 3.3 (candor to the tribunal) and 8.1 (disciplinary matters) and is hereby Publicly Censured for this conduct. A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

**A. SAIS PHILLIPS FINNEY, #028845**  
**DAVIDSON COUNTY**

On January 28, 2020, A. Sais Phillips Finney, a Tennessee attorney, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Ms. Finney represented a client in the rehearing of a custody matter in juvenile court. After two preliminary hearings, the request for rehearing was withdrawn by the father of the children prior to the scheduled trial. Ms. Finney told her client in person that she would seek reimbursement of the attorney fees against the father, but she did not file a motion for the client's attorney fees. Ms. Finney failed to respond to at least two requests in writing from her client to provide an affidavit to assist in seeking reimbursement of the fees.

In response to a pro se filing by the client, the court ordered Ms. Finney to "provide [an] affidavit of fees and signed retainer letter directly to the Court." Ms. Finney did not respond in any way to this directive by the court, and the client's request for fees against the father was eventually dismissed.

Ms. Finney's failure to comply with the court's order to provide an affidavit of her fees is in violation of Rules 1.3 (diligence), 3.4(c) (fairness to opposing party and counsel) and 8.4(d) (prejudice to the administration of justice) for disobeying an obligation under the rules of a tribunal. Ms. Finney's failure to respond to written requests from her client to provide an affidavit of her fees is in violation of Rules 1.3 and 1.4 (communication). Ms. Finney is in violation of Rule 1.16 (termination of representation) for failing to protect her client's interests upon her withdrawal from the representation. The client suffered potential harm in her ability to have her claim for attorney fees considered on the merits.

By these acts, Ms. Finney has violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.16 (termination of representation), 3.4(c) (fairness to opposing party and counsel), and 8.4(d) (prejudice to the administration of justice) and is hereby Publicly Censured for this conduct.

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

**BAILEY MCKILLOP HARNED, BPR #027280**  
**KNOX COUNTY**

On January 29, 2020, Bailey McKillop Harned, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.



Ms. Harned was retained by the minor child's mother to reinstate visitation that the child's father had unilaterally stopped. Ms. Harned was paid a flat fee. Although she did not obtain a written fee agreement, she did not deposit the fee into her trust account. Ms. Harned failed to communicate with her client and finally filed a petition to modify custody on the client's behalf more than one (1) year after she was retained.

At that time, it was discovered that the minor child had been adopted by the father's new wife sixteen (16) months earlier.

By these acts, Ms. Harned, has violated Rule of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4 (communication), and RPC 1.15 (safekeeping property and funds) 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.

***GEORGE COOPER BELL, BPR #023223  
TENNESSEE LAWYER***

Effective February 14, 2020, George Cooper Bell, of Huntersville, North Carolina was censured by Order of Reciprocal Discipline entered by the Supreme Court of Tennessee on February 14, 2020. Mr. Bell received a public reprimand issued by the Grievance Committee of the North Carolina State Bar on August 7, 2019 for making a false statement to the Court.

On October 28, 2019, the Tennessee Supreme Court entered a Notice of Reciprocal Discipline directing Mr. Bell to inform the Court, within thirty (30) days of receipt of the Notice, why the discipline imposed by the Grievance Committee of the North Carolina State Bar should not be imposed by the Tennessee Supreme Court. Mr. Bell provided no response to the Court.

***JORDAN JONES HAYS, BPR #031177  
TENNESSEE LAWYER***

Jordan Jones Hays of Staunton, Virginia was publicly censured by Order of Reciprocal Discipline entered by the Supreme Court of Tennessee on February 19, 2020. Ms. Hays received a public reprimand issued by the Virginia State Bar Disciplinary Board on August 7, 2019 for falsely communicating with two of her clients and later, their counsel.

On December 20, 2019, this Court entered a Notice of Reciprocal Discipline directing Ms. Hays to inform this Court, within thirty (30) days of receipt of the Notice, why the discipline imposed by the Virginia State Bar Disciplinary Board should not be imposed by this Court. Ms. Hays did not file a response with the Court as ordered.

Ms. Hays must pay the Board's costs and expenses and the court costs within ninety (90) days of the entry of the order.

***REX AUSTIN CHAMBERLAIN, BPR #034715  
SUMNER COUNTY***

On February 19, 2020, Rex Austin Chamberlain, a Tennessee licensed attorney, was publicly censured by the Supreme Court of Tennessee and ordered to pay the expenses of the Board.

The Board of Professional Responsibility filed a Petition for Discipline on December 14, 2018 concerning one (1) complaint of misconduct by his former employees alleging that Mr. Chamberlain's relationship with Patriot Angels was inappropriate. Patriot Angels received referrals from assisted living facilities to assist applicants in securing Aid and Attendance benefits for Veterans and would refer potential claimants to Mr. Chamberlain. Patriot Angels is not an intermediary organization, regulated by Tennessee Supreme Court Rule 44. Mr. Chamberlain executed a Conditional Guilty Plea acknowledging accepting referrals and lack of professional independence from Patriot Angels in violation of Tennessee Rules of Professional Conduct Rules 5.4 (professional independence of a lawyer), 7.1 (communication concerning a lawyer's services), 7.2(c) and (d) (advertising), 7.3(a) (solicitation of potential clients), 7.6(a) and (b) (intermediary organizations) 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.

***CHARLES GAMMONS WRIGHT, BPR #000915  
HAMILTON COUNTY***

On February 20, 2020, Charles Gammons Wright, an attorney licensed to practice law in Tennessee, received a Public Censure from the Supreme Court of Tennessee.

The Board of Professional Responsibility filed a Petition for Discipline against Mr. Wright pursuant to Rule 9 of the Rules of the Supreme Court of Tennessee. A Hearing Panel found Mr. Wright failed to advise

his client of the one-year statute of limitations prior to its expiration and did not notify his client of the termination of his representation. Mr. Wright was ordered to pay the costs of the disciplinary proceeding. Charles Gammons Wright's conduct violated Rules of Professional Conduct 1.16(d) (Declining and Terminating Representation), and 8.4(a) (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.

***ARTHUR EARLE HORNE, III, BPR #20475  
SHELBY COUNTY***

On March 25, 2020, Arthur Earle Horne, III, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court. Mr. Horne was convicted of simple assault on August 17, 2018. This conviction arose out of a domestic altercation that occurred on March 1, 2017. While Mr. Horne was not acting in a representative capacity when the incident occurred, Mr. Horne's conduct reflects adversely on his fitness as a lawyer.

By these acts, Arthur Earle Horne, III, has violated Rule of Professional Conduct 8.4(b) (criminal conduct) and is hereby Publicly Censured for this violation.

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

***JOHN GARY McDOUGAL, BPR #16488  
CHATTANOOGA LAWYER***

On March 31, 2020, John Gary McDougal, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court. Mr. McDougal failed to adhere to filing deadlines as set forth in the Rules of Appellate Procedure and thereafter failed to comply with orders filed by the Criminal Court of Appeals. Mr. McDougal was found to be in contempt of court for his conduct.

By these acts, John Gary McDougal has violated Rule of Professional Conduct 1.3 (diligence), 3.2 (expediting litigation), 3.4(c) (disobeying an obligation under the rules of tribunal), and 8.4(a) and (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.

**DISABILITY INACTIVE**

***PATRICK BROCKLIN PARKS, BPR #020930  
DAVIDSON COUNTY***

By Order of the Tennessee Supreme Court entered October 4, 2019, the law license of Patrick Brocklin Parks was transferred to disability inactive status pursuant to Section 27.4 of Tennessee Supreme Court Rule 9.

Mr. Parks 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..

***WILLIAM LLOYD STANLEY, JR., BPR #001439  
HAMILTON COUNTY***

By Order of the Tennessee Supreme Court entered October 16, 2019, the law license of William Lloyd Stanley, Jr. was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Stanley 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.

***THOMAS ROBERT WOLF, BPR #021825  
TENNESSEE LAWYER***

By Order of the Tennessee Supreme Court entered November 22, 2019, the law license of Thomas Robert Wolf of Cleveland, Ohio was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

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

**JOHN EWING BRANDON, BPR #002438**  
**WILLIAMSON COUNTY**

By Order of the Tennessee Supreme Court entered January 27, 2020, the law license of John Ewing Brandon was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Brandon 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.

**SHELLY R. FEARS, BPR #008973**  
**TENNESSEE ATTORNEY**

By Order of the Tennessee Supreme Court entered February 7, 2020, the law license of Shelly R. Fears of Louisville, Kentucky was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Ms. Fears 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.

**JANICE YVONNE BROWN, BPR #010919**  
**LINCOLN COUNTY**

By Order of the Tennessee Supreme Court entered March 10, 2020, the law license of Janice Yvonne Brown was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Ms. Brown 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.

**ROBERT C. GOODRICH, BPR #010454**  
**DAVIDSON COUNTY**

By Order of the Tennessee Supreme Court entered March 10, 2020, the law license of Robert C. Goodrich was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Goodrich 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.

**MARGARET L. AKINS, BPR #015348**  
**WILLIAMSON COUNTY**

By Order of the Tennessee Supreme Court entered March 27, 2020, the law license of Margaret L. Akins was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

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

**REINSTATEMENTS**

**CLAY M. MCCORMACK, BPR #015559**  
**SHELBY COUNTY**

On October 29, 2019, the Supreme Court of Tennessee reinstated Clay M. McCormack to the active practice of law subject to certain conditions. Mr. McCormack had been suspended by the Supreme Court of Tennessee on October 5, 2018, for a period of five (5) years, with one (1) year served on active suspension and the remaining four (4) years on probation, pursuant to Tennessee Supreme Court Rule 9, Section 12.2. Mr. McCormack filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4c. The Board found the Petition satisfactory and submitted an Order of Reinstatement to the Court.

***CHRISTOPHER PAUL WESTMORELAND, BPR #024789  
BEDFORD COUNTY***

On December 6, 2019, the Supreme Court of Tennessee reinstated Christopher Paul Westmoreland to active practice provided he retains a practice monitor during his remaining probationary period and does not incur any new complaints of misconduct that relate to conduct occurring during the period of suspension. Mr. Westmoreland had been suspended by the Supreme Court of Tennessee on October 16, 2019, for a period of nine (9) months, with one (1) month active suspension and the remainder on probation, pursuant to Tennessee Supreme Court Rule 9, Section 12.2. Mr. Westmoreland filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4c. The Board found the Petition satisfactory and submitted an Order of Reinstatement to the Court.

***MICHAEL LEONARD UNDERHILL, BPR #020316  
DAVIDSON COUNTY***

By Order of the Tennessee Supreme Court entered December 10, 2019, the law license of Michael Leonard Underhill was transferred from disability inactive status to active status pursuant to Section 27.8 of Tennessee Supreme Court Rule 9.

On September 12, 2018, Mr. Underhill was placed on disability inactive status. Mr. Underhill filed a Petition for Transfer to Active Status on November 15, 2019 demonstrating that his disability had been removed and he was eligible to return to the active practice of law. The Board filed a response on December 3, 2019 noting no objection to Mr. Underhill's Petition.

***BRADLEY MICHAEL CARTER, BPR #024093  
WILLIAMSON COUNTY***

Effective January 22, 2020, the temporary suspension of Bradley Michael Carter was vacated by Order of the Tennessee Supreme Court, and Mr. Carter is reinstated to the practice of law.

Mr. Carter was temporarily suspended from the practice of law by Order of the Supreme Court on January 17, 2020, for misappropriation of funds and posing a threat of substantial harm to the public. On January 17, 2020, Mr. Carter filed a response indicating additional information was made available to the Board but not exhibited to the petition for temporary suspension. The Order entered January 22, 2020, is without prejudice to the Board refiling a petition re-establishing the necessity of a temporary suspension.

***STEVEN CARL FRAZIER, BPR #007098***  
***SULLIVAN COUNTY***

By Order of the Tennessee Supreme Court entered January 31, 2020, Steven Carl Frazier was reinstated to the active practice of law.

On January 17, 2020, Mr. Frazier was temporarily suspended for failure to respond to the Board of Professional Responsibility. On January 24, 2020, Mr. Frazier provided an appropriate response to the Board and filed a Petition to Dissolve the Temporary Suspension. The Board filed a response on January 28, 2020, noting no objection to Mr. Frazier's Petition.