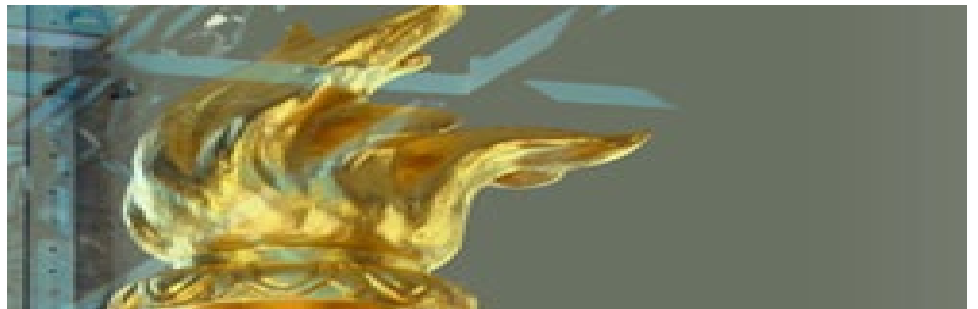


BOARD NOTES

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Inside:

2

Spotlight: Changes to the Regulation of Intermediary Organizations

3

CLE Commission Launches Email Delivery of Attorney Annual Report Statements

5

The Importance of Succession Planning

16

Board of Professional Responsibility New Disciplinary Counsel

17

Tennessee Lawyers' Fund for Client Protection New Board Members

18

Board of Professional Responsibility New Board Members

20

Disciplinary Actions
October 2021 - March 2022

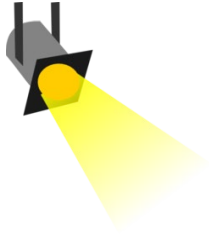
Greeting from Justice Holly Kirby

Supreme Court Liaison, Board of Professional Responsibility

This issue of the Board Notes is a great opportunity to recognize some of the volunteer lawyers and laypersons who make Tennessee's Board of Professional Responsibility the fine organization that it is. First, the Board members. Comprised of 9 lawyers and 3 laypersons from all three Grand Divisions, the Board works closely with the BPR professional staff to implement the ethics rules that govern all lawyers licensed in Tennessee. All are carefully chosen by the Tennessee Supreme Court because they represent honor and professionalism.

Second, the Hearing Committee members. The Hearing Committee is comprised of 183 lawyers from every corner of our State, selected by the Board and approved by the Court. They form the hearing panels that hear cases of alleged ethics violations and are the backbone of our disciplinary system. Some of the finest lawyers in Tennessee, from all backgrounds and in all types of practices, serve on the BPR Hearing Committee.

Every single one of these volunteer lawyers and laypersons puts in many hours—of hard duty—on behalf of the citizens of our State, to ensure that lawyers licensed in Tennessee earn the privileges of a law license by living up to the responsibilities that accompany their license. It is a noble cause. The Court appreciates their integrity, competence, hard work, and sacrifice.



Changes to the Regulation of Intermediary Organizations

Steven J. Christopher, Deputy Chief Disciplinary Counsel of Investigations
Board of Professional Responsibility

Intermediary organizations, such as lawyer advertising cooperatives, lawyer referral services, prepaid legal service providers, and other similar organizations were formerly governed by Rule 44 of the Rules of the Supreme Court of Tennessee. Rule 44 required intermediary organizations to register with the Tennessee Board of Professional Responsibility and be subject to ongoing annual registration requirements. An Order was entered by the Supreme Court of Tennessee on December 15, 2021, effective January 1, 2022, deleting Rule 44. On this basis, intermediary organizations are no longer required to register with the Board of Professional Responsibility or otherwise be subject to the requirements defined in Rule 44.

While intermediary organizations are no longer subject to registration requirements in Tennessee, the Supreme Court of Tennessee's December 15, 2021 [Order](#) also amended Rule 7.6 of the Tennessee Rules of Professional Conduct, which governs the conduct of attorneys who accept referrals from intermediary organizations. As amended, RPC 7.6 now requires Tennessee lawyers accepting referrals from intermediary organizations to make reasonable efforts to ensure that the intermediary organization's conduct complies with the lawyer's professional obligations. Lawyers accepting referrals are specifically required to confirm that the intermediary organization does not direct or regulate the lawyer's professional judgment, that the intermediary organization does not engage in improper solicitations prohibited by RPC 7.3, in addition to other requirements itemized at RPC 7.6(b). RPC 7.6(c) confirms that if a lawyer discovers that the intermediary organization is in noncompliance with the obligations defined at RPC 7.6(b), the lawyer is required to seek to correct the noncompliance or withdraw from participation with the organization.

Lawyers who accept referrals from intermediary organizations are strongly encouraged to review RPC 7.6 considering these new obligations. Attorneys with questions regarding the implications of the amendments to RPC 7.6 may seek an advisory opinion from Laura Chastain, the Board's Ethics Counsel, either through submission of an informal inquiry online <https://www.tbpr.org/for-legal-professionals/informal-ethics-inquiries>, or by calling 1-800-486-5714.

CLE Commission Launches Email Delivery of Attorney Annual Report Statements

Michele Wojciechowski, Executive Director
Commission on Continuing Education

More than 26,000 attorneys with Tennessee law licenses received their 2021 Annual Report Statements via email in February – a first for the Tennessee Commission on Continuing Legal Education, which previously had sent all statements via USPS.

As required by Tenn. Sup. Ct. R. 21, the Commission notifies each attorney by February 28 annually of their CLE compliance status for the previous calendar year. The Rule permits notification by mail or electronic means – this year the notices went out via email with a link to attorney accounts for verification of individual CLE status.

In addition to providing more timely information to attorneys, the new process allowed the Commission to reallocate resources. Rather than sending out mailings and handling paper returns, staff was able to focus on providing better service to attorneys as they work to complete their compliance for 2021. The staff of six handled more than 4,000 phone calls and nearly as many emails into the general email box in the first quarter of 2021.

The enhancements also provided a new component in the online attorney portal, allowing attorneys to interact with the Commission via the website to note attendance errors, add attendance, or claim an exemption.

The number of attorneys confirming compliance by the March 31 deadline to file Annual Report Statements with the Commission has shown improvement over previous years, a good sign for the new process.

None of this could have happened without the careful planning and hard work of recently retired Executive Director Judy McKissack and Associate Director Bill Calhoun, who put the wheels in motion for this modernized method. It was their vision and effort that allowed the process to run smoothly and nearly error-free. Also, Associate Director Mike Sandler, who joined the Commission staff last August played a significant role in overseeing the transition to this updated way of doing business.

And, as with any new undertaking, the Commission has learned a lot about what works and what doesn't. The Commission staff and team of developers are already in the process of making improvements for next year and welcome attorneys' feedback.

The Commission is also making plans for a complete overhaul of the CLETN.com to better serve and communicate with attorneys. Look for those change in the later part of this year.

Reporting Out-of-State CLE Courses

An October 2021 [update to Tenn. Sup. Ct. R. 21](#) now offers attorneys the opportunity to choose from more courses that are reported and paid for by the provider. In the past, any provider offering courses outside Tennessee could accredit their course for Tennessee CLE, but was not responsible for reporting or paying for the hours, despite, in most cases, those providers charging attorneys to enroll in and attend the course.

This process has significantly increased the number of courses that rely on the provider to report and pay for CLE, relieving attorneys from the time and expense. However, not all providers have their courses accredited in Tennessee. In those instances, attorneys under Tenn. Sup. Ct. R.

21 5.05(d) may submit CLE courses they take for accreditation. Attorneys must furnish the same information that a provider would submit, including confirmation by the provider of the hours an attorney attended the course.

The Commission staff then works with the attorney to accredit the course. One important component of the approval for online courses is an evaluation of the platform the provider uses. The Commission requires a specific level of tracking for all online courses.

After the course is approved, and the hours are verified, the Commission submits the attendance hours for the attorney, who then can pay online for the \$2-per-hour attendance fee.

The Commission is making improvements to how attorneys submit these courses for accreditation, revising forms and processes in the short term, while working toward providing an online portal for attorneys to interact with the Commission regarding the submission and status of CLEs they are seeking accreditation for.

The Commission is committed to making the CLE reporting process simple and straightforward for all attorneys. I welcome your comments and suggestions as we work toward continuous improvement.

Hello!

Finally, I'm thrilled to be part of the Tennessee Commission on Continuing Legal Education. My background includes experience in communication, education, and technology, and I look forward to applying that experience to Tennessee's CLE programs. I am learning a lot and look forward to hearing from attorneys about their perspective on CLE. Please email me at michele.wojciechowski@cletn.com.

The small but mighty staff of six at the CLE Commission is a dedicated group who strives to provide the best level of service to attorneys as they work to get their CLE, and to providers as they create and offer CLE to our Tennessee-licensed attorneys. If you need to get in touch with anyone at the CLE, you can find their contact information [here](#).

I also have the privilege of collaborating with our eleven hard-working Commission members, who provide skilled guidance to the staff regarding our operations and plans for the future. A list of Commission members is [here](#).

The Commission also welcomes Tennessee Supreme Court Justice Sarah Campbell as its liaison, while thanking Justice Holly Kirby for her service to the Commission for much of 2021. And of course, the Commission owes a great deal of its success to Justice Cornelia Clark's years of service to the Commission and the State of Tennessee. Justice Clark's legacy is certainly recognized in the work we do.

The Importance of Succession Planning

Steven J. Christopher¹

Attorney succession planning is a strategy that involves development and promulgation of a formal process to transition your law practice to another lawyer or law firm in the event of your death or incapacity. A succession plan involves an agreement between a lawyer and another attorney or firm providing that the successor attorney or firm agree to take action to ensure that the attorney's clients are protected if an event occurs that triggers the succession plan.

There is a growing recognition in the legal community of the need for attorneys to engage in planning for the possibility of death, disability, or other incapacity.² This article will discuss (1) the reasons why succession planning is crucial to ensuring that an attorney meets their ethical obligations; (2) the potential consequences faced by attorneys who decline to implement a succession plan; and (3) the components of an effective succession plan.³

The need for succession planning is underscored by the fact that attorneys are older than the general workforce.⁴ The median age for lawyers in 2020 was 47.1 years old, compared with 42.5 as the median age for United States workers generally.⁵ Consequently, attorneys will face events triggering the need for a succession plan at a rate higher than the general population. Additionally, a disproportionate number of solo practitioners are older than the general attorney population.⁶

¹ Deputy Chief Disciplinary Counsel of the Investigations Section of the Board of Professional Responsibility of the Supreme Court of Tennessee.

² Erica L. Look, Sole Practitioner Succession Planning: It is Time to Stop Recommending Action and Start Requiring it, 9 Ohio St. Entrepreneurial Bus. L.J. 63, at *63 (2014); Sheila M. Blackford, It's Never Too Early to Plan, But Frequently Too Late, 72 Or. St. B. Bull. 40, 40 (2012); Beverly Michaelis, Plan Ahead: Are You Prepared for the Unthinkable?, 65 Or. St. B. Bull. 29, 29 (2005); Mich. Eth. Op. RI-374 (2016) (strongly encouraging Michigan lawyers to prepare a comprehensive succession plan for their law practices to protect clients).

³ In addition to the suggestions herein, additional resources for use in the circumstance where an attorney is unable to practice law are available on the Board's website at <https://s3.us-east-1.amazonaws.com/docs.tbpr.org/Resources-for-Attorneys-Unable-to-Practice-Law-updated-1-5-2022.pdf>.

⁴ ABA 2021 Profile of the Legal Profession, available at https://www.americanbar.org/news/reporter_resources/profile-of-profession/.

⁵ Id.

⁶ 2019 ABA Solo & Small Firm Tech Report, available at https://www.americanbar.org/groups/law_practice/publications/techreport/abatechreport2019/solomallfirm19/.

According to a 2019 ABA report, 69% of attorneys between the age of 60-69 were solo practitioners.⁷ For the reasons discussed herein, solo practitioners have the greatest need to implement succession planning relative to attorneys who practice in law firms or other entities.

Succession planning is crucial an attorney's fulfillment of their ethical obligations. This is reflected in the American Bar Association's Model Rules, where Comment [5] to Model Rule 1.3 identifies the creation and promulgation of a succession plan as integral to an attorney's overall obligation to provide diligent representation to a client. Comment [5] states as follows:

To prevent neglect of client matters in the event of a sole practitioner's death or disability, the duty of diligence may require that each sole practitioner prepare a plan, in conformity with applicable rules, that designates another competent lawyer to review client files, notify each client of the lawyer's death or disability, and determine whether there is a need for immediate protective action.⁸

Commentators have noted that Comment [5] reflects that an attorney's obligation to provide zealous advocacy should include a consideration of the reasonably foreseeable consequences of an attorney's unanticipated death or incapacity upon the representation of clients.⁹ Consequently, Comment [5] acknowledges the need for an attorney to consider contingencies such as death and incapacity considering their overall obligation to ensure the protection of their client's interests.

Succession planning implicates other fundamental ethical obligations as well. For example, an attorney is required to keep clients reasonably informed about the status of the representation.¹⁰ A crucial component of a succession plan is the prompt provision of notice to clients of an attorney's death or incapacity. Succession planning is thereby integral to an attorney's obligations regarding client communication.

The importance of succession planning has been recognized by the ABA's Ethics Committee and the state bar or disciplinary authority of many state jurisdictions. The ABA Ethics Committee first articulated the importance of succession planning in ABA Formal Op. 92-369 (1992), "Disposition of Deceased Solo Practitioners' Client Files and Property."¹¹ The ABA Ethics Committee recited the significant dangers that can occur absent the creation of a succession plan and urged attorneys to implement succession planning to fulfill their ethical responsibilities.

⁷ Id.

⁸ ABA Model Rule 1.3, Comment [5].

⁹ See supra note 2.

¹⁰ TENN. SUP. CT. R. 8, Rule 1.4(a)(3). The Tennessee Rules of Professional Conduct, codified at Rule 8 of the Tennessee Supreme Court Rules, will be cited as RPC _._.

¹¹ ABA Formal Op. 92-369 (1992).

The ABA Committee’s recommendation for succession planning is mirrored in the legal authorities of state jurisdictions.¹² Succession planning is mandatory in four jurisdictions: Arizona,¹³ Florida,¹⁴ Iowa,¹⁵ and Maine.¹⁶ Thirty-nine additional jurisdictions recommend the creation of a succession plan by court rule,¹⁷ or in their rules of professional conduct by adoption of Comment [5] to Model Rule 1.3.¹⁸

The importance of succession planning is additionally reflected in formal ethics opinions in many jurisdictions. The Oregon State Bar noted that “the duty of competent representation includes, at a minimum, making sure that someone will step in to avoid client prejudice” in the event of an attorney’s death or incapacity.¹⁹ The Michigan bar likewise urged attorneys in its jurisdiction to prepare succession plans to protect clients in the event of attorney death, disability, disappearance, or other triggering circumstances.²⁰

Tennessee is among the minority of jurisdictions that have not adopted Comment [5] of Model Rule 1.3, and no legal authority otherwise exists in Tennessee mandating succession planning. No legal authority in Tennessee expressly recommends succession planning. However, Section 29.9 of Rule 9 of the Tennessee Supreme Court Rules, which governs the appointment of a receiver attorney, discussed herein, confirms that an attorney may make an advance designation of a successor attorney through a succession plan in lieu of the receivership process.²¹ Section 29.9 provides further confirmation that if such a succession plan makes adequate provision for the protection of clients, a Court proceeding over a receivership petition shall approve the terms of such

¹² See, e.g., Or. State Bar Formal Ethics Op. 2005-129(2005) (stressing the need for planning ahead as integral to the provision of competent representation of a client). Mich. Eth. Op. RI-374 (2016); Conn. Eth. Op. 99-36 (1999).

¹³ Ariz. S. Ct. Rule 41(i); State Bar of Ariz. Op. 04-05 (2004).

¹⁴ Fla. State Bar Rule 1-3.8(e).

¹⁵ Iowa Supreme Court Rule 39.18(1).

¹⁶ Me. Bar Rules, Rule 1(g)(12). See also Me. Bd. Of Overseers of the Bar, Op. 143 (1994)(disposition of client files on death or disability of a solo practitioner).

¹⁷ See, e.g., Neb. Supreme Court Rule 3-501.3, Wash. State Bar Planning Ahead Handbook

¹⁸ See, e.g., Colo. Rules of Professional Conduct 1.3, Comment [5]; Ark. R. of Prof. Conduct 1.3, Comment [5].

¹⁹ Id.

²⁰ Mich. Eth. Op. RI-374 (2016).

²¹ TENN. SUP. CT. R. 9, § 29.9.

plan unless the plan otherwise is inconsistent with the requirements for receivership defined in Section 29 of Rule 9.²²

The Consequences of Declining to Adopt a Succession Plan

An attorney's unanticipated death or incapacity can have a deleterious impact on clients.²³ If an attorney dies or becomes incapacitated shortly prior to a statute of limitations deadline and the attorney does not practice in a firm or there is otherwise no attorney available to take immediate action, there is a significant danger that the client's claim will be time barred and that no legal doctrine will be available to revive the claim. Tennessee state courts have not adopted the doctrine of equitable tolling, which suspends the statutory period of limitations to "ameliorate harsh results that sometimes flow from a strict, literalistic construction and application of administrative time limits contained in statutes and rules."²⁴ Tolling is available by statute for minors and adults lacking capacity to sue, for civil claims by plaintiffs enjoined from filing suit, for claims against personal representatives of a decedent's state, and in times of disaster.²⁵ However, no available statutory tolling would be applicable in the circumstance where an attorney misses a deadline due to death or incapacity.

Tennessee state courts recognize the doctrine of equitable estoppel and fraudulent concealment to toll the statute of limitations.²⁶ However, equitable estoppel is inapplicable to the circumstance of an attorney's unexpected death or incapacity, as it applies when the defendant has misled the plaintiff into filing suit outside the statutory limitations period.²⁷ The fraudulent concealment doctrine is equally inapplicable, as it tolls the applicable statute of limitation when "the defendant has taken steps to prevent the plaintiff from discovering he or she was injured."²⁸ It should be noted, however, that if no succession plan is adopted but a petition for receivership is filed as

²² Id.

²³ Cook, supra note 2.

²⁴ Norton v. Everhart, 895 S.W.2d 317 (Tenn. 1995); Fahrner v. S.W. Mfg., Inc., 48 S.W.3d at 145, n. 2, 4 S.W.3d 141 (Tenn. 2001); Redwing v. Catholic Bishop for the Diocese of Memphis, 363 SW.3d 436 (Tenn. 2012).

²⁵ Redwing v. Catholic Bishop for the Diocese of Memphis, 363 SW.3d 436. See TENN. CODE ANN. §§ 28-1-106-111; Arrowood v. McMinn Cnty., 173 Tenn. 562, 565-568 (1938).

²⁶ Redwing v. Catholic Bishop for the Diocese of Memphis, 363 SW.3d 436.

²⁷ Fahrner v. SW Mfg., Inc., 48 S.W.3d at 145; Ingram v. Earthman, 993 S.W.2d 611, 633 (Tenn. Ct. App. 1998).

²⁸ Fahrner v. S.W. Mfg., Inc., 48 S.W.3d at 146; Redwing v. Catholic Bishop for Diocese of Memphis, 363 S.W.3d 436.

described below, any statutes of limitation and other deadlines are tolled upon entry of the order appointing a receiver attorney for no less than sixty (60) days following the date of the filing of the receivership petition.²⁹

An attorney's unanticipated death or incapacity can have other less egregious but nevertheless significant impacts on clients. The absence of successor counsel to promptly enter appearance in pending litigation can cause delay to the proceedings and potential harm to the client's position. Delay in moving forward with pre-litigation due diligence and negotiation can likewise negatively impact a client's position.

The potential effects of an attorney dying or becoming incapacitated without a succession plan are particularly pronounced for attorneys who are solo practitioners. Research consistently demonstrates that a large proportion of attorneys practice as solo practitioners and in small firms, further underscoring the need for succession planning.³⁰ A 2019 ABA Study indicated that approximately 32% of practicing attorneys are solo practitioners, and 31% of attorneys identified as practicing in a small firm (firms with 2-9 attorneys).³¹

Attorneys who practice in a firm³² may share information relating to the representation of other clients with other attorneys in the firm without violating client confidentiality.³³ Consequently, if an attorney who practices in a firm dies or becomes incapacitated, other attorneys in the firm are available to take proper action to notify the attorney's clients, take immediate action on the affected attorney's cases, and otherwise protect the clients' interests. In contrast, if a solo practitioner dies or becomes incapacitated, the solo practitioner's support staff, significant other, or any third-party would be precluded from sharing any information regarding the firm's clients with an outside lawyer,

²⁹ TENN. SUP. CT. R. 9, § 29.10.

³⁰ See infra note 2.

³¹ See supra note 6.

³² Whether an attorney practices in a firm is normally straightforward, such as attorneys in a formal partnership or PLLC. However, in circumstances where attorneys practice in shared office space or through an informal association, it may be unclear whether their association constitutes a "firm." Attorneys in this circumstance are encouraged to review the definition of a firm at RPC 1.0(c) and in RPC 1.0, Comments [2]-[4] and confirm whether they will be deemed for purposes of the Rules of Professional Conduct to be practicing in a firm. This determination is not only material for purposes of succession planning but for the fulfillment of the attorneys' overall ethical obligations.

³³ Absent a client's confidentiality waiver, any of the permissive or mandatory grounds for disclosure defined at RPC 1.6(b)-(c), or where disclosure is impliedly authorized to carry out the representation, an attorney is prohibited from sharing any information relating to the representation of a client. RPC 1.6(a).

absent a client's confidentiality waiver.³⁴ Additionally, Attorneys who do not practice in a firm and lack support staff may not have any mechanism to notify clients of their death or incapacity. Clients who are not notified of their attorney's death or incapacity will understandably assume that proper action is being taken in their cases. Even after becoming aware of the attorney's death or incapacity, the lack of a succession plan can cause significant delay in clients obtaining their file materials, unearned fees, and in obtaining successor counsel.

If a solo practitioner who employed support staff passes away or becomes incapacitated without a succession plan, it would not be logistically feasible for support staff, acting alone, to complete the tasks required to protect the solo practitioner's clients. Support staff may not engage in the practice of law, and any legal services performed by support staff must be done under the supervision of an attorney.³⁵ If clients of the affected attorney did not sign confidentiality waivers prior to the attorney's death or disability, no client specific information may be disclosed by support staff, and it would not be proper for support staff, acting alone, to facilitate a client's execution of a confidentiality waiver.

If a solo practitioner passes away without a succession plan, the attorney retained to probate their estate will be able to take certain action to protect the attorney's former clients upon the opening of the probate estate. As the attorney's law practice would be part of the probate estate, the attorney retained to probate the estate would be positioned to act in conjunction with the personal representative to safeguard client files and access operating account funds. However, executors and lawyers will very likely be unable to access trust account funds, as trust accounts, by definition, contain only funds of clients or third parties.³⁶ Additionally, an attorney entering appearance as counsel of record in the probate of a deceased lawyer's estate does not enter into an attorney-client relationship with the deceased lawyer's clients and would not be able to act on behalf of the deceased lawyer's clients.

Attorneys who practice in small firms, while not impacted to the same extent as solo practitioners, have a heightened need to establish a succession plan relative to attorneys in midsize and large firms. When an attorney who practices in a small firm dies or becomes incapacitated, there may not be another attorney in the firm who practices in the substantive legal areas as the affected attorney. It may thereby create significant difficulties for another attorney at the firm to take proper action on behalf of the affected lawyer's clients before a successor counsel with experience in the applicable fields of law practice can be located and agree to undertake the representation. Small firms likewise may lack the overall infrastructure and resources of mid to large size firms and

³⁴ If an attorney is appointed as receiver as discussed below, while a receiver does not create an attorney-client relationship between the receiver and the clients of the affected attorney, attorney-client privilege attaches to all communications between the receiver attorney and the clients of the affected attorney, and RPC 1.6 (confidentiality) applies to any information contained in the files of the affected attorney's clients. TENN. SUP. CT. R. 9, § 29.4.

³⁵ As discussed herein, while support staff of an affected attorney may not act as a receiver, a non-attorney employed by the affected attorney would have standing to file a receivership petition, as the receivership petition may be filed by "any interested person." TENN. SUP. CT. R. 9, § 29.2(b).

³⁶ RPC 1.15(b)(2).

thereby encounter logistical difficulties in notifying the affected attorney's clients and taking other action to protect the clients' interests.

While the need for succession planning is reduced for mid to large size firms, such firms should consider creating a formalized agreement for all its attorneys to address circumstances of death or incapacity. Such an agreement could be incident to the firm's overriding written instrument addressing the disposition of a partner's cases and ownership interest upon death, retirement, or incapacity. Client fee agreements and firm protocols should additionally confirm arrangements for cases to be transferred to other firm attorneys in the event of death or incapacity of an attorney assigned to a clients' file.

The Receivership Process

If a solo practitioner passes away or becomes incapacitated without a succession plan, or an attorney in a firm becomes so affected and other attorneys in the firm are not able to carry out all the tasks required for protection of the interests of the affected attorney's clients, it may be necessary for an interested party to file a receivership petition. The receivership process, codified at Section 29 of Rule 9 of the Tennessee Supreme Court Rules, is a civil mechanism that facilitates the appointment of an attorney to protect the interests of the clients of an attorney who is no longer able to practice.³⁷

The receivership process is applicable when an "affected attorney" has: (1) Resigned or been suspended or disbarred from the practice of law; (2) Disappeared or abandoned the practice of law; (3) Become disabled or incapacitated or otherwise become unable to continue the practice of law; or (4) Died.³⁸ An "affected attorney" is an attorney who is licensed and engaged in the practice of law in this State and who has no partner, associate, executor, or other appropriate successor or representative capable and available to continue or wind-down the attorney's law practice.³⁹

A receivership petition may be filed by the following persons: (1) The Board of Professional Responsibility; (2) The Tennessee Bar Association; (3) Any local bar association; (4) An attorney licensed to practice law in Tennessee; or (5) Any other interested person.⁴⁰ Any attorney may be appointed as a receiver who is licensed to practice law in Tennessee and in good standing with the Board of Professional Responsibility.⁴¹ The receivership petition may be filed in the Chancery, Circuit, or Probate Court for the county in which the affected attorney maintained an office for the practice of law.⁴²

³⁷ TENN. SUP. CT. R. 9, § 29.1

³⁸ TENN. SUP. CT. R. 9, § 29.2(b).

³⁹ TENN. SUP. CT. R. 9, § 29.2(a).

⁴⁰ TENN. SUP. CT. R. 9, § 29.2(b).

⁴¹ Id.

⁴² Id.

If the trial court determines upon a showing by a preponderance of the evidence that the appointment of a receiver attorney is necessary to protect the interests of the affected attorney's clients or the interests of the affected attorney, the trial court shall appoint one or more receiver attorneys.⁴³ The order of the trial court may be appealed to the Court by the affected attorney or by the guardian or personal representative of the affected attorney, or by the complainant.⁴⁴

A receiver is assigned the following responsibilities: (1) Take custody of the files, records, bank accounts, and other property of the affected attorney's law practice; (2) Review the files and other papers to identify any pending matters; (3) Notify all clients represented by the affected attorney in pending matters of the appointment of the receiver attorney and suggest that it may be in their best interest to obtain replacement counsel; (4) Notify all courts and counsel involved in any pending matters, to the extent they can be reasonably identified, of the appointment of a receiver attorney for the affected attorney; (5) Deliver the files, money, and other property belonging to the clients of the affected attorney pursuant to the client's directions; and (6) Take such steps as seem indicated to protect the interests of the clients.⁴⁵

The appointment of the receiver attorney does not create the relationship of attorney and client between the receiver attorney and any client of the affected attorney.⁴⁶ However, the attorney-client privilege applies to all communications by or between the receiver attorney and the clients of the affected attorney, and the receiver attorney shall be governed by RPC 1.6.⁴⁷

Components of an Effective Succession Plan

The first step in the creation of a succession plan is to locate another attorney or firm who will agree to act as successor counsel in the event of your death or incapacity.⁴⁸ Attorneys who create a succession plan may notify the Board's Registration Department of the name of their successor counsel and this information will be recorded in the attorney's registration information.

For a solo practitioner, it is recommended that a reciprocal relationship be established with another attorney in the local bar whose practice involves the same substantive legal areas, where both attorneys agree to act as successor counsel in the event of the other attorney's death or incapacity. For attorneys who practice in firms, it may be necessary to establish a firm succession protocol involving immediate notification to clients and action that needs to be taken on an emergency basis for clients, as well as a reciprocal relationship with an attorney outside the firm if no other attorney at the firm handles cases in the substantive areas as the attorney at issue.

It is strongly recommended that the succession plan be reduced to writing and signed by both attorneys. The succession plan should be specific in defining the scope of the successor attorney's

⁴³ TENN. SUP. CT. R. 9, § 29.2(d).

⁴⁴ Id.

⁴⁵ TENN. SUP. CT. R. 9, § 29.3.

⁴⁶ TENN. SUP. CT. R. 9, § 29.4.

⁴⁷ Id.

⁴⁸ Blackford, supra note 2.

duties regarding client matters.⁴⁹ The succession plan should be promulgated to the support staff of both attorneys, and support staff should be trained and advised of the nature of succession planning. The succession plan should include provision of relevant firm information to the successor attorney, including computer login information, instructions about the firm's case management system, information about the firm's voice mail system and other relevant information that will enable successor counsel to take prompt action.

A succession plan should require that confidentiality waivers be obtained from affected clients prior to the event that triggers the succession plan. As indicated above, absent such a waiver, successor counsel will not be able to access any client information. Attorneys should carefully review the requirements for informed waiver prior to drafting an appropriate waiver form.⁵⁰ In light of the significance of confidentiality and the high standard established for waiver, it is recommended that attorneys use a separate waiver form and meet with new clients to explain the significance of waiver, rather than only including waiver language in their fee agreement.

The succession plan should direct successor counsel, once notified of the triggering event causing implementation of the plan, to transmit notice to all clients of the affected attorney's death or incapacity. The notice should confirm that successor counsel shall act in a manner to protect the client's interests, while also confirming that other than any designated emergency action, that the succession plan does not create an attorney-client relationship between successor counsel and the client. Confirmation should be provided to affected clients that their files and any funds or property are safeguarded, and that they should promptly begin looking for successor counsel. Instructions should be made in the written notice to affected clients regarding return of their file materials upon request.

The succession plan should also direct successor counsel to make prompt review of the affected attorneys client files to determine whether any emergency action needs to be taken. Any such emergency action should be taken by successor counsel or their designee. For any client matters involving pending litigation, it will normally be sufficient for successor counsel to enter appearance and make any necessary requests that the matter be stayed pending the location of suitable counsel.

While no attorney-client relationship is established between successor counsel and affected clients, the succession plan should make provision for successor counsel to safeguard and protect client files. A client's file is the property of the client, and successor counsel thereby accepts a fiduciary responsibility regarding the file when the succession plan is implemented.⁵¹ It is anticipated that through a succession plan, clients will obtain successor counsel who will take possession of the client's tangible and digital file materials. However, successor counsel will be required to assume temporary possession and responsibility for any open files, and long-term possession and responsibility for closed files, maintaining these in successor counsel's own office space or another suitable location where the files can be safeguarded. A Tennessee formal ethics opinion recommends that client files be maintained for a period of at least five years after the closure of the client's case.⁵² This period is equally applicable to a successor attorney carrying out a succession plan.

⁴⁹ *Id.* See also Susan A. Berson, Planning for the Inevitable, 15 Law. J. 4, 5 (2013).

⁵⁰ See RPC 1.0(e), RPC 1.0, Comments [6] and [7], and RPC 1.6, Comment [2].

⁵¹ RPC 1.15, Comment [1].

⁵² Tenn. Formal Ethics Op. 2015-F-160(a) (2015).

A succession plan should also address the attorney's trust and operating accounts. It is recommended that successor counsel be named as a signatory on any bank accounts prior to any triggering event that causes the succession plan to go into effect. A succession plan should reflect discussion with the financial institution(s) where trust and operating funds are held to confirm that successor counsel will be able to obtain documentation and information from the financial institution(s) as needed.⁵³

The succession plan should require that successor counsel promptly review the affected attorney's trust account general ledger in conjunction with review of each client's individual trust account ledger and client files, to determine any funds that will need to be transmitted to clients and third parties. RPC 1.15(d). Consistent with RPC 1.15, disputed funds must remain in the attorney's trust account until the dispute is resolved.⁵⁴ Notice should be sent to any third parties whose funds are being held (e.g. medical companies with subrogation claims that have not yet been resolved), confirming that their funds remain safeguarded, and providing contact information for successor counsel.

If successor counsel's review of the affected attorney's trust account reveals any unidentified funds, the succession plan should require that successor counsel make appropriate efforts to identify and locate the owner of the funds, pursuant to RPC 1.15(f). If, after 12 months, the lawyer is unable to identify the owner of the funds, the lawyer must remit the funds to the Tennessee Lawyers' Fund for Client Protection.⁵⁵ RPC 1.15(f) does not apply, however, where the owner is identified but cannot be located. Under this circumstance, the lawyer, after exhausting efforts to facilitate return of the funds, must proceed pursuant to Tennessee law governing abandoned property.⁵⁶

In addition to the terms of the succession plan itself, the successful implementation of a succession plan by successor counsel will depend to a large part on whether the affected attorney complied with their overall managerial responsibilities prior to death or incapacity. Rule 5.1 of the Tennessee Rules of Professional Conduct requires that attorneys with managerial responsibility over their practice create and maintain appropriate protocols to ensure that their office complies with their ethical obligations as defined by the Tennessee Rules of Professional Conduct.⁵⁷ RPC 5.1 is normally associated with attorneys who have managerial authority in mid to large private firms, but it is equally applicable to any law practice. An attorneys managerial obligations defined at RPC 5.1 include, for example, the creation and promulgation of an effective case management system, including proper tasking and calendaring, trust account management practices, and strong personnel policies to ensure that attorneys and support staff are trained and supervised.

⁵³ Blackford, supra note 2.

⁵⁴ RPC 1.15(e).

⁵⁵ RPC 1.15(f). The Lawyers' Fund for Client Protection is a Tennessee Supreme Court agency that monitors and disburses funds to individuals financially harmed by an attorney's dishonest conduct. The Lawyers' Fund for Client Protection is governed by TENN. SUP. CT. R. 25.

⁵⁶ See TENN. CODE ANN. § 66-29-204 (Uniform Disposition of Unclaimed Property Act). RPC 1.15, Comment [14].

⁵⁷ RPC 5.1(a). See also RPC 5.1, Comment [2].

Absent such preexisting protocols, successor counsel will not be able to effectively execute a succession plan, even when the plan is otherwise well drafted and defined. For example, successor counsel will not be able to promptly identify the client matters that need emergency attention without an effective case management system or without files being maintained in an organized manner. Successor counsel will similarly not be able to promptly identify trust account funds that need to be transmitted to clients and third parties without an effective trust account management system.

Further Inquiry

If you have questions about the content of this article, you may contact the author at schristopher@tbpr.org or (615) 361-7500, extension 203. Questions about the article may also be directed to the Board's Ethics Counsel, Laura Chastain, at lchastain@tbpr.org, or (615) 361-7500, extension 212.



Board of Professional Responsibility New Disciplinary Counsel

Andrew B. Campbell served as a judicial clerk for the Honorable Thomas A. Higgins, in the U.S. District Court for the Middle District of Tennessee from 1990-1992. Thereafter, he practiced for 25 years in the Litigation & Dispute Resolution Service Team at Wyatt Tarrant & Combs in Nashville, handling civil cases in federal and state courts involving insurance insolvency, breach of contract, product liability, breach of fiduciary duty, fraud, and intellectual property. In 2017, Mr. Campbell entered public service and worked in the Public Interest Division of the Office of the Tennessee Attorney General until February of 2022, litigating various constitutional cases involving due process and voting rights, Public Records Act matters, and non-profit regulatory matters. Mr. Campbell received a B.A. in English from Trinity College in Hartford, Connecticut, and his J.D. from Vanderbilt University School of Law, where he was an Associate Editor for the *Vanderbilt Journal of Transnational Law*.

Eric A. Fuller joined the Board of Professional Responsibility in January 2022. Before joining the Board, he was a civil litigator in the Tennessee Attorney General's office for almost 10 years. As a Senior Assistant Attorney General in the Civil Law Division, Eric practiced in the Tennessee Claims Commission and in federal and state courts across Tennessee, defending the State, State employees, and State agencies in complex tort litigation, negligence claims, premises liability actions, workers' compensation claims, medical malpractice claims, and federal § 1983 claims alleging constitutional violations.

Prior to working for the State of Tennessee, Eric worked in private practice in Nashville, primarily in plaintiff's personal injury and worker's compensation litigation. His additional previous experience includes clerking for a trial court judge in Ypsilanti, Michigan and working in the prosecuting attorney's office in Charlevoix, Michigan.

Eric is a former enlisted U.S. Marine and Army National Guard infantry officer who served in Scotland, Spain, and Italy. In 2010, he deployed to Iraq as an infantry platoon leader with the 278th Armored Cavalry Regiment. He retired from the National Guard in 2019 as a company commander and held the rank of captain.

Eric grew up in Michigan and attended Michigan State University as an undergraduate. He received his law degree from the University of Michigan in Ann Arbor in 1999.



Tennessee Lawyers' Fund for Client Protection New Board Members

Christen C. Blackburn is a shareholder at Lewis Thomason, PC in Nashville, Tennessee. Christen focuses her practice on defending businesses and individuals in complex transportation, products liability and premises liability matters throughout Tennessee. A portion of her practice is also devoted to defending employers against allegations of discrimination, harassment, and retaliation. In 2021, Christen was named as one of Nashville's "40 Under 40" by the Nashville Business Journal and as Best Lawyers' 2021 "Lawyer of the Year" for Litigation/Insurance Law in Nashville. Christen is active in the Lawyer's Association for Women (LAW), and served as President of LAW in 2019. Christen is also active in the Nashville Bar Association (NBA) where she served as the Chair of the Community Relations committee for several years, and now serves on the Board of Directors of the NBA.

Junaid Odubeko is a litigator at Bradley whose practice focuses on advising and representing clients in complex commercial and business disputes and real estate litigation. In addition to his commercial and real estate litigation practice, Junaid also represents clients in a variety of state regulatory matters before the state's various departments, boards and commissions. Prior to joining Bradley, Junaid served as legal counsel and deputy legal counsel to Gov. Phil Bredesen, serving as the governor's liaison to the Tennessee Attorney General and each state agency. Junaid is admitted to practice before the state courts of Tennessee, The United States Court of Appeals for the Sixth Circuit, and the United States District Courts of the Middle, Eastern, and Western Districts of Tennessee.

A native of Memphis, Tennessee, Junaid is a 2001 graduate of the University of Tennessee - Knoxville with a Bachelor of Arts in Political Science. He received his J.D. in 2004 from Vanderbilt University Law School.



Board of Professional Responsibility New Board Members

Senator Richard Briggs was elected to the Tennessee State Legislature in 2014 and was re-elected in 2018. Prior to being elected Senator, Dr. Briggs served on the Knox County Board of Commissioners, having been elected in 2008 and re-elected for a six year term in 2010.

Dr. Briggs earned his B.S. degree from Transylvania University in Lexington, KY. Upon graduation from the University of Kentucky College of Medicine in 1978, Dr. Briggs entered active military service and rose through the ranks to full Colonel. He served in combat during Operation Desert Storm and was awarded the Bronze Star. With over 30 years of military service in command and leadership positions, Colonel Briggs recently completed combat tours in Afghanistan and Iraq as a combat trauma surgeon.

Dr. Briggs has practiced heart and lung surgery for 30 years at the St Marys-Tennova Medical Center in Knoxville. He has held academic appointments at the University of Texas-San Antonio, the University of Louisville, and the University of Tennessee-Knoxville. Dr. Briggs is a past president of the Knoxville Academy of Medicine and served on the Board of Trustees of the Tennessee Medical Association.

James B. “Jimmy” Dunn has served as District Attorney General for the Fourth Judicial District, which includes Sevier, Cocke, Grainger, and Jefferson Counties, since being elected in 2006. Prior to being elected, Dunn served as Assistant District Attorney for more than sixteen years.

Before he became an attorney, Dunn served his nation by joining the United States Army and serving as a military police officer in Germany from 1966-1968. He was a member of the 30th Military Police Battalion. He received an honorable discharge in June of 1968.

Dunn graduated from Walters State Community College and East Tennessee State University where he studied English with an interest in teaching and also majored in criminal justice. He graduated from the Federal Bureau of Investigation National Academy in Quantico, Virginia.

Later, while working with the Tennessee Department of Safety, he attended Nashville School of Law from 1983-1986. He was admitted to the Tennessee Bar in October 1986 and also admitted to the Federal Bar of the Middle District of Tennessee in 1986. He has also been admitted to the Federal Bar of the Eastern District of Tennessee.

General Dunn is a member of the Board of Professional Responsibility of the Supreme Court of Tennessee, Graduate of East Tennessee Regional Leadership, Graduate of Sevier County Leadership, and Graduate of Cocke County Leadership. He is a former president of the Cocke

County Bar Association, former president of Boys & Girls Club of Newport, and Board Member of the Cocke County Literacy Counsel.

He and his wife, Karene, have a daughter, Lauren, and a son, Bruce. They attend Grace Baptist Church in Sevierville, Tennessee.

Barbara G. Medley received her law degree from the University of Memphis School of Law in 1989. Prior to receiving her law degree, she graduated from the University of Tennessee at Knoxville. She is admitted to practice before all Tennessee State Courts, the Tennessee Supreme Court, the Tennessee Court of Appeals, Tennessee Federal District Courts (all divisions) and Sixth Circuit Court of Appeals.

Barbara is a member of the Marshall County Bar Association, Tennessee Bar Association and the American Bar Association. She is a former member of the House of Delegates for the Tennessee Bar Association. She served as Middle Tennessee Director-At-Large for the Tennessee Lawyers Association for Women. She served as past president of the Lewisburg Kiwanis Club and is a Former Clerk of Session for First Presbyterian Church in Lewisburg, Tennessee.

Barbara is a Board Certified Civil Trial Specialist. She is certified by the National Board of Trial Advocacy and the Tennessee Commission on Continuing Legal Education and Specialization with extensive litigation experience. She was initially certified in 2000 and was re-certified in 2005 and 2010.

From 2002 until 2008, she was appointed by the Tennessee Supreme Court for two terms to serve as Hearing Committee Member for the Board of Professional Responsibility during which time she conducted formal hearings for attorney's charged with misconduct. On March 17, 2008, she received a recognition of distinguished service from the Board of Professional Responsibility of the Supreme Court of Tennessee for serving as a Hearing Committee Member for these terms.

Barbara resides in Lewisburg with her husband Brad, and they have three children, Mary, Grace and Will.

Disciplinary and Licensure Actions

(October, 2021 – March, 2022)

PERMANENT DISBARMENTS

ANDREW NATHAN HALL, BPR #013481

ROANE COUNTY

Effective November 16, 2021, the Supreme Court of Tennessee permanently disbarred Andrew Nathan Hall from the practice of law and ordered him to pay restitution to two clients and all costs incurred to the Board of Professional Responsibility (Board). The Board filed a Petition for Discipline and a Supplemental Petition for Discipline against Mr. Hall, and the disciplinary matter was tried to a Hearing Panel on June 24, 2021.

In the first complaint, the Panel found Mr. Hall failed to represent his client in a diligent manner; failed to set her case for hearing and expedite her litigation; failed to comply with an Order of summary suspension entered November 6, 2018 by the Tennessee Supreme Court; failed to inform his client of his suspension from the practice of law and withdraw from her representation; failed to inform his client of his health issues and misled her to believe another attorney had agreed to represent her; failed to reasonably communicate with his client, and failed to respond to the request of Board for information related to the disciplinary complaint.

In the second complaint, the Panel found Mr. Hall failed to represent his clients in a diligent manner; repeatedly misled them to believe their petition for bankruptcy had been filed and was proceeding; accepted a fee but failed to provide the professional services for which he had been retained; charged and collected an unreasonable fee; failed to comply with the summary suspension Order entered by the Tennessee Supreme Court; failed to comply with the Order of Temporary Suspension entered September 4, 2020, by the Tennessee Supreme Court; failed to inform his clients of his suspension from the practice of law and withdraw from their representation; failed to reasonably communicate with them and failed to respond to the request of the Board for information related to the disciplinary complaint.

The Panel found the conduct of Mr. Hall violated Rules of Professional Conduct (RPC) 1.3 (diligence); 1.4 (communication); 1.5 (fees); 1.16 (declining or terminating representation); 3.2 (expediting litigation); 3.4(fairness to opposing party and counsel); 8.1 (bar admissions and disciplinary matters) and 8.4 (misconduct).

WENDELL J. O'REILLY, BPR #022217

WILLIAMSON COUNTY

Effective March 3, 2022, the Supreme Court of Tennessee permanently disbarred Wendell J. O'Reilly from the practice of law and ordered him to pay restitution to his clients.

The Board filed a Petition for Discipline containing two (2) complaints and a Supplemental Petition for Discipline containing one (1) complaint against Mr. O'Reilly. The disciplinary complaints were tried before a Hearing Panel who determined Mr. O'Reilly, while suspended from the practice of law, knowingly engaged in the unauthorized practice of law; failed to adequately communicate with his clients; knowingly misled courts, clients and third parties; knowingly charged excessive fees; failed to safeguard client funds; knowingly failed to comply with final court orders; engaged in conduct prejudicial to the administration of justice and failed to respond to the Board about a disciplinary matter.

The Panel found Mr. O'Reilly's actions and omissions violated Rules of Professional Conduct (RPC) 1.4(communication), 1.5(fees), 1.15(safekeeping of property), 3.3(candor toward the tribunal), 4.1(truthfulness in statements to others), 5.5(unauthorized practice of law), 8.1(disciplinary matters) and 8.4(a, c, d and g) (misconduct).

Mr. O'Reilly must comply with the requirements of Tennessee Supreme Court Rule 9, § 28 regarding the obligations and responsibilities of permanently disbarred attorneys.

RICHARD LOUIS REYNOLDS, BPR #023174

TENNESSEE LAWYER

Effective December 16, 2021, Richard Louis Reynolds, now a resident of Diamondhead, Mississippi, was disbarred by Order of Reciprocal Discipline entered by the Supreme Court of Tennessee on December 16, 2021. Mr. Reynolds was disbarred from the practice of law by Order of the Supreme Court of Mississippi entered September 23, 2021. On November 9, 2021, the Supreme Court of Tennessee entered a Notice of Reciprocal Discipline directing Mr. Reynolds to demonstrate to the Court, within thirty (30) days of receipt of the Notice, why the discipline imposed by the Supreme Court of Mississippi should not be imposed by the Supreme Court of Tennessee. Mr. Reynolds failed to respond to the directive of the Court.

Mr. Reynolds 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. Reynolds must pay the Court's costs and expenses within ninety (90) days of the entry of the order.

SUSPENSIONS

MELANIE A CAMPBELL-BROWN, BPR #021166

ROANE COUNTY

Effective January 10, 2022, the Supreme Court of Tennessee suspended Melanie A. Campbell-Brown from the practice of law for one (1) year with sixty (60) days served as an active suspension pursuant to Tenn. Sup. Ct. R. 9, § 12.2, and the remainder to be served on probation, conditioned upon Ms. Campbell-Brown incurring no new complaints of misconduct which result in the Board recommending discipline be imposed.

A Petition containing one complaint was filed against Ms. Campbell-Brown on November 12, 2020. Ms. Campbell-Brown entered a conditional guilty plea admitting she accepted a fee to represent her client in a quiet title action; failed to file the Complaint; failed to provide legal services in a diligent manner and expedite her client's litigation; failed to reasonably communicate with her client regarding the status of the case; and mislead her client regarding the filing of the complaint in violation of Tennessee Rules of Professional Conduct (RPC) 1.3 (diligence); 1.4 (communication); and 8.4(a), (c), and (d) (misconduct).

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

JOHN LOUIS DOLAN, JR., BPR #009158

SHELBY COUNTY

On March 24, 2022, the Tennessee Supreme Court suspended John Louis Dolan from the practice of law for one (1) year, with thirty (30) days to be served on active suspension pursuant to Tennessee Supreme Court Rule 9, Section 12.2 and eleven (11) months to be served on probation under the supervision of a practice monitor.

In the first of two complaints, Mr. Dolan failed to reasonably respond to his client's request for information about the status of his criminal case and failed to diligently represent his client over a period of approximately two years. In the second matter, Mr. Dolan failed to properly communicate with his client and failed to submit various pleadings. Mr. Dolan executed a Conditional Guilty Plea admitting his conduct violated

Rules of Professional Conduct 1.3 (Diligence); 1.4 (Communication); 3.4 (Rules of the Tribunal); and 8.4 (a) (Misconduct).

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

THOMAS FRANCIS JACKSON, BPR #008239

SHELBY COUNTY

Effective February 9, 2022, the Supreme Court of Tennessee suspended Thomas Francis Jackson, III, from the practice of law for one (1) year active suspension pursuant to Tennessee Supreme Court Rule 9, Section 12.2.

A Petition and Supplemental Petition for Discipline containing three (3) complaints were filed by the Board against Mr. Jackson. After a hearing on the disciplinary complaints, a Hearing Panel found Mr. Jackson knowingly and repeatedly communicated with the opposing parties through their agents about the substance of the litigation without the consent of the attorneys representing the defendants and continued to do so after being instructed to communicate only with opposing counsel. The Hearing Panel further found Mr. Jackson, after being suspended from the practice of law, advertised his professional services on the internet, met with a potential client about representation, sought to collect fees for professional services for which he had not been retained and failed to disclose his suspension.

The Hearing Panel found the above conduct of Mr. Jackson violated Rule of Professional Conduct 4.2(a) (Communicating with a Person Represented by Counsel) and Rule of Professional Conduct 5.5(a) (Unauthorized Practice of Law).

Mr. Jackson 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.

ALAN C. LEE, BPR #012700

HAMBLEN COUNTY

Effective January 25, 2022, the Supreme Court of Tennessee suspended Alan C. Lee from the practice of law for three (3) years pursuant to Tennessee Supreme Court Rule 9, Section 12.2.

Mr. Lee knowingly failed to timely comply with an injunction issued by the U.S. District Court and

misrepresented to the court that he was unaware of the court's order. Mr. Lee executed a Conditional Guilty Plea acknowledging his conduct violated Rules of Professional Conduct 3.3 (candor toward the tribunal), 3.4 (disobeying an obligation under the rules of a tribunal), and 8.4(a), (b), and (c) (misconduct).

Mr. Lee 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.

JOHN RYAN POOLE, BPR #035782

DAVIDSON COUNTY

Effective March 25, 2022, the Supreme Court of Tennessee suspended John Ryan Poole from the practice of law for six (6) years, with the first four (4) years being as an active suspension pursuant to Tenn. Sup. Ct. R. 9, Section 12.2, and the remaining two (2) years served on probation conditioned upon the appointment of a practice monitor.

A Petition, Supplemental, Second Supplemental, and Third Supplemental Petitions for Discipline containing seven (7) complaints were filed by the Board alleging Mr. Poole failed to reasonably communicate with his clients regarding the status of their case, failed to act in a diligent manner, and expedite the clients' litigation, failed to comply with court orders, failed to protect client funds, failed to provide proper notice following temporary suspension, and failed to reply with lawful demands for information from disciplinary counsel.

Mr. Poole executed a conditional guilty plea acknowledging his conduct violated Tennessee Rules of Professional Conduct (RPC) 1.3 (diligence); 1.4 (communication); 1.5 (fees); 1.15 (safekeeping client property); 1.16 (declining and terminating representation); 3.2 (expediting litigation); 3.4 (fairness to opposing party and counsel); 8.1 (bar admission and disciplinary matters); and 8.4(a) (misconduct).

Mr. Poole 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.

KEISHA MOSES RICHARDSON, BPR #026492

SHELBY COUNTY

On October 13, 2021, the Tennessee Supreme Court suspended Keisha Moses Richardson, of Memphis, Tennessee, from the practice of law for two (2) years retroactive to the date of her temporary

suspension, January 26, 2018, and indefinitely until she complies with the Court's Order entered on November 17, 2017. Ms. Richardson must pay restitution to three (3) former clients as a condition of reinstatement to the practice of law. She must also pay the Board of Professional Responsibility's costs and expenses and court costs within ninety (90) days of the date of the order. The Court's order is effective immediately.

The Board filed a Petition for Discipline, Supplemental Petition for Discipline and Second Supplemental Petition for Discipline against Ms. Richardson. She filed an answer to the Petition for Discipline, and default judgments were entered against her on the Supplemental Petition for Discipline and Second Supplemental Petition for Discipline.

The Petitions for Discipline included seven (7) complaints of misconduct. A Hearing Panel found that she violated the Rules of Professional Conduct in six (6) of the complaints. Ms. Richardson charged an unreasonable fee, failed to expedite litigation, stopped communicating with her clients, violated a court order concerning custody of her child, engaged in the unauthorized practice of law while administratively suspended and failed to respond to disciplinary counsel.

The Hearing Panel found that Ms. Richardson violated Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.16(d) (declining or terminating representation), 3.2 (expediting litigation), 3.4(c) (failure to obey obligation under rules of tribunal), 5.5 (unauthorized practice of law), 8.1(b) (disciplinary matters), and 8.4 (misconduct).

BRIAN CHADWICK RICKMAN, BPR #017534

KNOX COUNTY

Effective March 28, 2022, the Supreme Court of Tennessee suspended Brian Chadwick Rickman from the practice of law for one (1) year pursuant to Tennessee Supreme Court Rule 9, Section 12.2.

An Amended Petition for Discipline was filed against Mr. Rickman, alleging unethical conduct during the litigation of a contentious child custody matter. After a hearing on the disciplinary complaints, a Hearing Panel found Mr. Rickman intentionally and knowingly engaged in abusive and obstreperous conduct intended to disrupt the proceedings of the tribunal and continued this unethical behavior despite multiple warnings from the court. The Hearing Panel further found Mr. Rickman made statements in open court and in pleadings that were knowingly false or made with reckless disregard as to the truth of the statements, impugning the integrity and reputation of the presiding judge.

The Hearing Panel found the above conduct by Mr. Rickman violated Rules of Professional Conduct 3.5(e) (Impartiality and Decorum of the Tribunal), 8.2(a)(1) (Judicial and Legal Officials), and 8.4(a) and (d) (Misconduct).

Mr. Rickman 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 FOSTER SCHAEFFER, JR., BPR #006862

SHELBY COUNTY

Effective November 9, 2021, the Supreme Court of Tennessee suspended James Foster Schaeffer, Jr., from the practice of law for one (1) year with thirty (30) days being served as an active suspension pursuant to Tennessee Supreme Court Rule 9, Section 12.2, and the remainder served on probation subject to Mr. Schaeffer making restitution to his former client and incurring no new complaints of misconduct that relate to conduct occurring during the period of suspension and probation that result in the recommendation by the Board that discipline be imposed.

A Petition and Supplemental Petition for Discipline containing two complaints were filed by the Board. In the first complaint, Mr. Schaeffer was retained to represent his client in an uncontested divorce. After preparing the Marital Dissolution Agreement, his client's spouse would not sign it and the divorce became contested. Mr. Schaeffer did not adequately communicate with his client, and the case was ultimately dismissed for failure to prosecute. In the second complaint, Mr. Schaeffer represented his client in a criminal case. Mr. Schaeffer was not diligent in providing his client a copy of the state's discovery.

Mr. Schaeffer executed a conditional guilty plea acknowledging his conduct violated Tennessee Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 8.1 (disciplinary matters), and 8.4 (a) and (d) (misconduct).

Mr. Schaeffer 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.

KEVIN WILLIAM TEETS, BPR #029981

DAVIDSON COUNTY

On October 13, 2021, the Supreme Court of Tennessee entered an order suspending Kevin William Teets, Jr., from the practice of law for a period of one (1) year, pursuant to Tennessee Supreme Court Rule 9, Section 12.2. Mr. Teets was further ordered to reimburse the Board for all costs in the disciplinary proceeding, and to pay court costs associated with the proceedings.

A Petition for Discipline, consisting of one disciplinary complaint, was filed against Mr. Teets on February 15, 2019. The disciplinary complaint was tried before a Hearing Panel which found Mr. Teets, knowing the bonding company had refused to remain on his client's criminal bond after the conviction, intentionally misled the Trial Court to believe the bonding company had agreed to remain on the bond. The Hearing Panel found the conduct of Mr. Teets violated Rules of Professional Conduct Rule 3.3(a) (Candor toward the tribunal) and 8.4 (a), (c) and (d) (Misconduct). The decision of the Hearing Panel was appealed to the Davidson County Circuit Court, which affirmed the Panel's judgment, both as to the ethical violations committed and the appropriate sanction to be imposed.

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

JODY RODENBORN TROUTMAN, BPR #018868

CAMPBELL COUNTY

Effective February 3, 2022, the Supreme Court of Tennessee suspended Jody Rodenborn Troutman from the practice of law for four (4) years with one (1) year active suspension pursuant to Tennessee Supreme Court Rule 9, Section 12.2, and the remainder served on probation conditioned upon compliance with any monitoring agreement recommended by the Tennessee Lawyers Assistance Program and incurring no new complaints of misconduct that relate to conduct occurring during the period of suspension and probation and which result in the recommendation by the Board that discipline be imposed.

Ms. Troutman executed a conditional guilty plea acknowledging her criminal misdemeanor convictions for theft of property and driving under the influence 1st and 2nd and her appearance in open court while under the influence violated Tennessee Rules of Professional Conduct 1.3 (diligence) and 8.4(b) and (d) (misconduct).

Ms. Troutman 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.

CHARLES EDWARD WALKER, BPR #021277

DAVIDSON COUNTY

On November 18, 2021, the Supreme Court of Tennessee suspended Charles Edward Walker from the practice of law for three (3) years pursuant to Tenn. Sup. Ct. R. 9, Section 12.2, with two (2) years active suspension and one (1) year on probation under the supervision of a practice monitor. The Court, affirming the decision of the hearing panel and trial court, found Mr. Walker failed to correct misstatements made in court after discovering the statements were incorrect; created a trust entity to engage in transactions with the intent to circumvent an injunction entered by the Chancery Court restraining him and his business from certain activities; knowingly violated a court order prohibiting him from recording documents in any Register of Deeds office in Tennessee without filing a notice of intent with the court or from withdrawing funds from the registry of the court or any Clerk and Master without leave of the court; and failed to disclose his disciplinary history, his criminal contempt conviction, and a pending disciplinary matter in a *pro hac vice* application filed with the United States District Court for the Western District of Texas at Austin in violation of Tennessee Rules of Professional Conduct 3.1 (Meritorious Claims and Contentions), 3.3(a) (Candor toward a Tribunal), 3.4 (Fairness to the Opposing Party and Counsel), 4.1 (Truthfulness in Statements to Others), 8.4(a) (Misconduct), 8.4(c) (Dishonesty, Fraud, Deceit, or Misrepresentation), and 8.4(d) (Conduct Prejudicial to the Administration of Justice).

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

TEMPORARY SUSPENSIONS

A. SAIS PHILLIPS FINNEY, BPR #028845

SHELBY COUNTY

On March 14, 2022, the Supreme Court of Tennessee temporarily suspended A. Sais Phillips Finney from the practice of law upon finding that Ms. Finney failed to respond to the Board of Professional Responsibility concerning two (2) complaints of misconduct and poses a risk of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's failure to respond to a complaint of misconduct or posing a risk of substantial harm to the public.

Ms. Finney is immediately precluded from accepting any new cases, and she must cease representing existing clients by April 13, 2022. After April 13, 2022, Ms. Finney shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence wherein the practice of law is conducted. Ms. Finney must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel, of the Supreme Court's Order suspending her law license and is required to deliver to all clients any papers or property to which they are entitled.

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

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

DAVID DWAYNE HARRIS, BPR #032607

DAVIDSON COUNTY

On October 27, 2021, the Supreme Court of Tennessee temporarily suspended David Dwayne Harris from the practice of law upon finding that Mr. Harris failed to respond to the Board of Professional Responsibility regarding a complaint. 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.

Mr. Harris is immediately precluded from accepting any new cases and shall cease representing existing clients by November 26, 2021. After November 26, 2021, Mr. Harris shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Harris shall 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 including, but not limited to; notifying all clients, co-counsel and opposing counsel in pending matters of the Order of Temporary Suspension entered by the Supreme Court's Order and delivering 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. Harris may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

SIR ASHLEY JAMES HARRISON, #027965

TENNESSEE LAWYER

On March 3, 2022, the Tennessee Supreme Court suspended Sir Ashley James Harrison of Huntersville, North Carolina, from the practice of law for five (5) years retroactive to December 8, 2015.

The Board of Professional Responsibility filed a petition for reciprocal discipline with the Tennessee Supreme Court after being informed that the North Carolina State Bar entered an Order in 2015 suspending Sir Ashley James Harrison's license to practice law in the State of North Carolina for a period of five (5) years, and Mr. Harrison's suspension remained in effect.

Mr. Harrison must comply with Sections 28 and 30.4 of Tennessee Supreme Court Rule 9 regarding the obligations and responsibilities of suspended attorneys and must pay the Board's costs and expenses prior to reinstatement.

JANET MONIQUE OKOYE, #027923

TENNESSEE LAWYER

On March 3, 2022, the Supreme Court of Tennessee temporarily suspended Janet Monique Okoye from the practice of law upon finding that Ms. Okoye failed to respond to the Board of Professional Responsibility concerning three (3) 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 a complaint of misconduct.

Ms. Okoye is immediately precluded from accepting any new cases, and she must cease representing existing clients by April 2, 2022. After April 2, 2022, Ms. Okoye shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence wherein the practice of law is conducted. Ms. Okoye must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending her law license and is required to deliver to all clients any papers or property to which they are entitled.

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

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

ALEX FLETCHER THOMPSON, #037141

DAVIDSON COUNTY

On January 5, 2022, the Supreme Court of Tennessee temporarily suspended Alex Fletcher Thompson from the practice of law upon finding that Mr. Thompson was in substantial non-compliance with the terms of a monitoring agreement with the Tennessee Lawyer's Assistance Program ("TLAP"). 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 noncompliance with TLAP's monitoring agreement.

Mr. Thompson is immediately precluded from accepting any new cases, and he must cease representing existing clients by February 4, 2022. After February 4, 2022, Mr. Thompson shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted. Mr. Thompson 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 is required to deliver to all clients any papers or property to which they are entitled.

Mr. Thompson must comply with the requirements of Tennessee Supreme Court Rule 9, §§ 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. Thompson may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

MELVIN JACOB WERNER, BPR #015909

KNOX COUNTY

On December 3, 2021, the Supreme Court of Tennessee temporarily suspended Melvin Jacob Werner from the practice of law upon finding that Mr. Werner misappropriated funds of a client and poses a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's misappropriation of a client's funds.

Mr. Werner is immediately precluded from accepting any new cases, and he must cease representing existing clients by January 2, 2022. After January 2, 2022, Mr. Werner shall not practice law in any capacity; use any indicia of lawyer, legal assistant, or law clerk; nor maintain a presence where the practice of law is conducted.

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

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

PUBLIC CENSURES

MELISSA JUNE ANDERSON, #024292

DAVIDSON COUNTY

On December 21, 2021, Melissa June Anderson, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court. Ms. Anderson failed to create and maintain appropriate trust account bookkeeping protocols for her law office, breaching her managerial obligation to ensure that her office acted in compliance with the Tennessee Rules of Professional Conduct. As a result of Ms. Anderson's conduct, a check drawn on the firm's trust account was returned for insufficient funds.

By these acts, Melissa June Anderson has violated Rules of Professional Conduct 1.15 (safekeeping property and funds) and 5.1 (responsibilities of managerial and supervisory lawyers) 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.

THOMAS JOSEPH DANCISON, JR., #026100

LAWRENCE COUNTY

On December 30, 2021, Thomas Joseph Dancison, Jr., an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Dancison represented a client in a domestic matter. During the representation, Mr. Dancison created a conflict of interest by engaging in sexualized conversation and conduct. Mr. Dancison pled guilty to simple assault pursuant to Tenn. Code Ann. § 39-13-101(a)(3) for intentional or knowingly cause physical contact with a client that a reasonable person would consider "extremely offensive or provocative."

By these acts, Mr. Dancison, has violated Rules of Professional Conduct 1.7 (conflict of interest: current client) and 8.4 (misconduct) 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.

DANIEL CLYDE FIELDEN, II, BPR #016471

KNOX COUNTY

On January 10, 2022, Daniel Clyde Fielden, II, an attorney licensed to practice law in Tennessee, received a Public Censure from the Supreme Court of Tennessee and was ordered to pay court costs and the disciplinary expenses and costs incurred by the Board of Professional Responsibility.

Mr. Fielden represented a client in a divorce action and failed to represent his client in a diligent manner, failed to expedite her hearing, failed to properly respond to the client's termination of representation, and failed to communicate with his client. The Hearing Panel found his conduct violated Rules of Professional Conduct 1.3 (Diligence), 1.4 (Communication), 1.16 (Declining or Terminating Representation), 3.2 (Expediting Litigation) and 8.4(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.

MICHAEL LLOYD FREEMAN, BPR #028698

DAVIDSON COUNTY

On January 10, 2022, Michael Lloyd Freeman, an attorney licensed to practice law in Tennessee, received a Public Censure from the Supreme Court of Tennessee and was ordered to pay the disciplinary expenses and costs incurred by the Board of Professional Responsibility.

Mr. Freeman failed to reasonably respond to his client's request for information about the status of his criminal case and failed to diligently represent his client over a period of approximately two years. Mr. Freeman executed and filed a Conditional Guilty Plea admitting his conduct violated Rules of Professional Conduct 1.3 (diligence) and 1.4 (communication).

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

DARRYL WAYNE HUMPHREY BPR #016471

SHELBY COUNTY

On January 5, 2022, Darryl Wayne Humphrey, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

After a disciplinary suspension from the practice of law, Mr. Humphrey filed motions to withdraw in his pending cases in which he falsely stated the reasons for his suspension. Further, Mr. Humphrey failed to set the motions to withdraw for hearing and failed to accurately inform his clients of the reasons for his suspension.

By these acts, Mr. Humphrey has violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.16 (declining or terminating representation), 3.3 (candor towards tribunal), and 8.4 (misconduct), 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.

BRIAN JAMIE HUNT, BPR #022854

ANDERSON COUNTY

On March 21, 2022, Brian Jamie Hunt, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Hunt took military inactive status on June 28, 2012, and returned to private practice after ending his military service. Mr. Hunt failed to apply for reinstatement as required by Tennessee Supreme Court Rule 9 and failed to pay attorney registration fees when he returned to private practice. Mr. Hunt engaged in the private practice of law while his license status was military inactive. Mr. Hunt's conduct violated Rule of Professional Conduct 5.5 (Unauthorized Practice).

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

CORLETRA FAYE MANCE, BPR #034036

DAVIDSON COUNTY

On January 18, 2022, Corletra Faye Mance, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Ms. Mance's law license was administratively suspended on August 17, 2021, and she practiced law while it was suspended until September 14, 2021. In mitigation, Ms. Mance did not receive a copy of the order suspending her law license, but she had received prior notice of a deficiency with her continuing legal education requirement.

By these acts, Ms. Mance 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.

JASON SCOTT MANGRUM, BPR #018098

WILLIAMSON COUNTY

On December 17, 2021, Jason Scott Mangrum, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Mangrum agreed to represent a client in pursuing two collection matters and failed to take proper action and expedite litigation in both cases, failed to respond to inquiries from his client, failed to keep his client updated on the status of her cases and failed to respond or communicate to inquiries and directives from the client. After the client terminated representation, Mr. Mangrum failed to turn over the client file to successor counsel for over one month.

By these acts, Mr. Mangrum has violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.16 (declining or terminating representation), and 3.2 (expediting litigation), and is hereby Publicly Censured for these violations.

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

JACK COLIN MORRIS BPR #015855

MADISON COUNTY

On March 14, 2022, Jack Colin Morris, an attorney licensed to practice law in Tennessee, received a Public Censure from the Supreme Court of Tennessee. Mr. Morris must pay the Board of Professional Responsibility the costs incurred in the proceeding and the court costs.

Mr. Morris represented a client in a detainer action. Mr. Morris did not appear at the hearing and the case was dismissed. Mr. Morris made a timely and good faith effort to rectify the consequences of his misconduct. The Hearing Panel found that Mr. Morris violated Rules of Professional Conduct 1.3 (diligence) and 8.4(a) 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.

CHRISTOPHER LYNN TAYLOR BPR #018246

SHELBY COUNTY

On January 18, 2022, Christopher Lynn Taylor, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Taylor represented a client in a matter in federal court against the client's former employer. While summary judgment was pending, the client filed a *pro se* motion to "disqualify" Mr. Taylor because the client wanted to terminate the relationship with Mr. Taylor. Mr. Taylor then sent a closing letter and provided the client a copy of her file. Mr. Taylor did not, however, move to withdraw from the pending court matter. Mr. Taylor then failed to inform his client of the decision on summary judgment, and he failed to represent her on a motion for costs filed by the defendant, including at several court hearings on the motion for costs.

By these acts, Mr. Taylor has violated Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4 (communication), 1.16 (termination of representation), 3.2 (expediting litigation), 3.4(c) (fairness to opposing party and court), and 8.4(d) (prejudice to the administration of justice) and is hereby publicly censured for these violations.

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

INEZ BEATRICE WARNER BPR #028289

SHELBY COUNTY

On October 7, 2021, Inez Beatrice Warner, an attorney licensed to practice law in Tennessee, received a Public Censure from Supreme Court of Tennessee conditioned upon the payment of restitution to three (3) clients totaling \$8,775.00 and the payment of fees to the Board of Professional Responsibility.

Ms. Warner represented four (4) clients who filed complaints regarding her lack of diligence, lack of communication with them, failure to properly account of settlement proceeds, and unclear fee practices, including fee arrangements incompatible with Ms. Warner's stated fee agreements. The Hearing Panel found in three of the four complaints of Ms. Warner's conduct, by failing to stay in contact with clients and failing to

satisfy medical liens, she violated RPC 1.3 (Diligence); the Hearing Panel found in all complaints that Ms. Warner's conduct, by failing to communicate with the clients and failing to provide notice of her office relocation, violated RPC 1.4 (Communication); the Hearing Panel found in three of the four complaints that Ms. Warner's conduct, by charging unreasonable fees and charging a nonrefundable fee without a written agreement, violated RPC 1.5 (Fees); the Hearing Panel found in one complaint that Ms. Warner's conduct, by failing to maintain adequate records concerning fund distribution, violated RPC 1.15 (Safekeeping of Property and Funds); and that Ms. Warner's conduct, pursuant to violations of RPC 1.3, 1.4, 1.5 and 1.15, violated RPC 8.4 (Misconduct).

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

REINSTATEMENTS

WHITNEY SUZANNE BAILEY, BPR #026785

HAWKINS COUNTY

On November 17, 2021, the Supreme Court of Tennessee reinstated Whitney Suzanne Bailey to the practice of law effective immediately. Ms. Bailey had been suspended by the Supreme Court of Tennessee for two (2) years with forty-five (45) days active suspension and the remainder on probation on January 28, 2020. Ms. Bailey filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4.

A Hearing Panel found Ms. Bailey complied with the terms and conditions of her suspension, and further found she had demonstrated the moral qualifications, competency and learning in the law required for the practice of law, and her resumption of the practice of law would not be detrimental to the integrity or standing of the bar or administration of justice, or subversive to the public interest. Based upon the Hearing Panel's recommendation, the Supreme Court reinstated Ms. Bailey's license to practice law. As conditions of her reinstatement, Ms. Bailey must engage a practice monitor for the remainder of her probation, remain in substantial compliance with her contract with Tennessee Lawyers Assistance Program and pay the costs of the reinstatement proceeding.

MICHAEL LLOYD FREEMAN, BPR #028698

DAVIDSON COUNTY

By Order of the Tennessee Supreme Court entered October 11, 2021, Michael Lloyd Freeman was reinstated to the active practice of law.

On June 21, 2021, Mr. Freeman was suspended by the Supreme Court of Tennessee for three (3) years with three (3) months active suspension and the remainder on probation. Mr. Freeman filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4(c) on September 23, 2021. The Board found the Petition was satisfactory and submitted an Order of Reinstatement to the Court.

Mr. Freeman's reinstatement to the active practice of law is conditioned upon his engagement of a practice monitor during the probationary period who will meet with him monthly to review basic office procedures such as scheduling and maintenance of case deadlines and the use of written communications and fee agreements and provide monthly written reports of Mr. Freeman's progress to Disciplinary Counsel. As a further condition of probation, Mr. Freeman shall incur no new complaints of misconduct that relate to conduct occurring during the period of probation that result in the recommendation by the Board that discipline be imposed.

GRACE INGRID GARDINER, BPR #023269

KNOX COUNTY

By Order of the Tennessee Supreme Court entered February 14, 2022, Grace Ingrid Gardiner was reinstated to the active practice of law.

On August 30, 2021, Ms. Gardiner was suspended by the Supreme Court of Tennessee for a period of three (3) years with four (4) months served as an active suspension, pursuant to Tenn. Sup. Ct. R. 9, § 12.2, and the remainder served on probation. Ms. Gardiner filed a Petition for Reinstatement of License to Practice Law pursuant to Tennessee Supreme Court Rule 9, Section 30.4(c) on January 4, 2022. The Board found the Petition was satisfactory subject to compliance with the terms and conditions of her probation and submitted an Order of Reinstatement to the Court.

Ms. Gardiner's reinstatement to the active practice of law is conditioned upon her not practicing law in any bankruptcy court during her probation unless and until a Practice Monitor, selected and approved in accordance with Tenn. Sup. Ct. R. 9, § 12.9(c), has been engaged by Ms. Gardiner to review basic bankruptcy procedures and monthly written reports of Ms. Gardiner's progress are provided to the Board. In addition, Ms.

Gardiner shall incur no new complaints of misconduct that relate to conduct occurring during the period of probation and result in a recommendation by the Board that discipline be imposed.

MARK STEVEN GRAHAM, BPR #011505

KNOX COUNTY

On January 10, 2022, the Supreme Court of Tennessee reinstated Mark Steven Graham to the practice of law effective immediately. Mr. Graham had been suspended by the Supreme Court of Tennessee for three (3) years retroactive to the date of his temporary suspension on March 11, 2020, with one (1) year served as an active suspension and the remaining time served on probation. Mr. Graham filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4.

A Hearing Panel found Mr. Graham complied with the terms and conditions of his suspension, and further found he had demonstrated the moral qualifications, competency and learning in the law required for the practice of law, and his resumption of the practice of law would not be detrimental to the integrity or standing of the bar or administration of justice, or subversive to the public interest. Based upon the Hearing Panel's recommendation, the Supreme Court reinstated Mr. Graham's license to practice law. As conditions of his reinstatement, Mr. Graham must engage a practice monitor for the remainder of his probation, remain in substantial compliance with his contract with Tennessee Lawyers Assistance Program and pay the costs of the reinstatement proceeding.

ANTHONY BERNARD NORRIS, BPR #016232

SHELBY COUNTY

On October 8, 2021, the Supreme Court of Tennessee reinstated Anthony Bernard Norris to the practice of law effective immediately. Mr. Norris had been suspended by the Supreme Court of Tennessee for five (5) years on October 8, 2012. Mr. Norris filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4.

A Hearing Panel found that Mr. Norris complied with the terms and conditions of his suspension, and further found that he had demonstrated the moral qualifications, competency and learning in the law required for the practice of law, and that his resumption of the practice of law will not be detrimental to the integrity or standing of the bar or administration of justice, or subversive to the public interest. Based upon the Hearing

Panel's recommendation, the Supreme Court reinstated Mr. Norris's license to practice law. As conditions of his reinstatement, Mr. Norris must engage a practice monitor for one (1) year after he is reinstated to report back to the Board on a monthly basis. Mr. Norris must pay the costs of the reinstatement proceeding.

ALBERT FITZPATRICK OFFICER, BPR #011629

PUTNAM COUNTY

By Order of the Tennessee Supreme Court entered November 22, 2021, Albert Fitzpatrick Officer, III, was reinstated to the active practice of law.

On March 11, 2021, Mr. Officer was suspended by the Supreme Court of Tennessee for a period of six (6) years with six (6) months active suspension and the remainder served on probation. Mr. Officer filed a Petition for Termination of Active Suspension pursuant to Tennessee Supreme Court Rule 9, Section 30.4(c) on November 16, 2021. The Board found the Petition was satisfactory and submitted an Order of Reinstatement to the Court.

Mr. Officer's reinstatement to the active practice of law is conditioned upon his engagement of a practice monitor during the probationary period who will meet with him monthly to assess his case load, timeliness of tasks, adequacy of communication with clients, and accounting procedures and provide monthly written reports of Mr. Officer's progress to Disciplinary Counsel. In addition, Mr. Officer shall continue his current TLAP monitoring agreement during the term of his suspension and probation and follow all recommendations of TLAP.

Mr. Officer shall incur no new complaints of misconduct that relate to conduct occurring during the period of probation that result in the recommendation by the Board that discipline be imposed.

SHERRY MARIE PERCIVAL, BPR #018840

MADISON COUNTY

By Order of the Tennessee Supreme Court entered November 24, 2021, Sherry Marie Percival was reinstated to the active practice of law.

On May 27, 2021, Ms. Percival was suspended by the Supreme Court of Tennessee for a period of five (5) years with six (6) months served as an active suspension, pursuant to Tenn. Sup. Ct. R. 9, § 12.2, and the remainder served on probation. Ms. Percival filed a Petition for Reinstatement of License to Practice Law

pursuant to Tennessee Supreme Court Rule 9, Section 30.4(c) on September 23, 2021. The Board found the Petition was satisfactory subject to compliance with the terms and conditions of her probation and submitted an Order of Reinstatement to the Court.

Ms. Percival's reinstatement to the active practice of law is conditioned upon her engagement of a practice monitor during the probationary period who will meet with her monthly to assess her trust account practices, case load, timeliness of tasks, adequacy of communication with clients and provide monthly written reports of

Ms. Percival's progress to Disciplinary Counsel, and her engagement of the services of a Certified Public Accountant (CPA) to reconcile her trust account on a quarterly basis. In addition, Ms. Percival shall remain in compliance with the terms and conditions of her monitoring agreement with Tennessee Lawyers Assistance Program (TLAP), attend the Trust Account workshop offered by the Board and incur no new complaints of misconduct that relate to conduct occurring during the period of probation and result in a recommendation by the Board that discipline be imposed.