

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED 09/26/2024 Clerk of the Appellate Courts
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IN RE: FRANCIS XAVIER SANTORE, JR., BPR #011315
An Attorney Licensed to Practice Law in Tennessee
(Greene County)

No. M2024-01072-SC-BAR-BP

**ORDER GRANTING TEMPORARY SUSPENSION AND REQUIRING
EXAMINATION BY QUALIFIED MEDICAL OR MENTAL HEALTH
EXPERT**

On July 22, 2024, the Board of Professional Responsibility (“Board”) filed a Petition for Temporary Suspension pursuant to Tenn. Sup. Ct. R. 9, § 12.3 and a Petition to Transfer to Disability Inactive Status and Require Examination by Medical or Mental Health Expert pursuant to Tenn. Sup. Ct. R. 9, § 27.4 relating to Francis Xavier Santore, Jr. (“Mr. Santore”). The Board also filed a motion to file its Petition under seal, and this Court granted that motion, gave Mr. Santore time to respond to the Board’s petition, and ordered his response to be placed under seal as well.

On August 12, 2024, Mr. Santore filed a response in opposition to the petition and attached multiple exhibits to his response. On August 29, 2024, the Board filed a reply to Mr. Santore’s response and a motion to strike certain exhibits attached to Mr. Santore’s response. On September 5, 2024, Mr. Santore filed a response to the Board’s motion to strike.

Having considered the Board’s motion to strike and Mr. Santore’s response, the Board’s motion to strike is DENIED.

Furthermore, upon due consideration of the Board’s Petition, Mr. Santore’s response, and the Board’s reply, this Court finds that Francis Xavier Santore, Jr., poses a threat of substantial harm to the public warranting his temporary suspension under Tenn. Sup. Ct. R. 9, § 12.3. This determination is based upon findings of the hearing panel that presided over a hearing on the Board’s formal petition for discipline against Mr. Santore in its January 17, 2024 “Judgment of the Hearing Panel” and in its February 2, 2024 “Amended Judgment of the Hearing Panel and Partial Granting of Motion to Alter or Amend Judgment of Hearing Panel.” The hearing panel found that Mr. Santore’s “conduct is likely to cause immediate and serious injury to a client or the public if he continues to practice law at this time.” The hearing panel described as “significant” “[t]he potential injury to clients and to the legal profession caused by [Mr. Santore’s] conduct.” The hearing panel stated that “[Mr. Santore] needs help, treatment, and education before he can

safely return to the practice of law.” These findings, made after a hearing at which Mr. Santore was represented by counsel, testified, called “many witnesses,” and presented the arguments of counsel, are the basis of our finding that Mr. Santore poses a threat of substantial harm to the public warranting his temporary suspension under Tenn. Sup. Ct. R. 9, section 12.3. Mr. Santore’s temporary suspension is effective immediately upon the entry of this order, meaning that Mr. Santore must immediately cease practicing law upon the entry of this order. Tenn. Sup. Ct. R. 9, § 12.3(c).

IT IS, THEREFORE, ORDERED, ADJUDGED, AND DECREED BY THE COURT THAT:

1. Francis Xavier Santore, Jr., is hereby temporarily suspended from the practice of law effective immediately upon entry of this order pursuant to Tenn. Sup. Ct. R. 9, § 12.3(c).

2. Mr. Santore shall undergo an examination by a qualified medical or mental health expert selected by this Court to assess his capacity and fitness to practice law. Tenn. Sup. Ct. R. 9, § 27.4. This examination shall be at the Board’s expense. To aid this Court in selecting the expert, the Tennessee Lawyer Assistance Program (hereinafter “TLAP”) shall provide this Court with the name of a medical or mental health expert qualified and willing to conduct an appropriate evaluation of Mr. Santore. This Court will then enter an order selecting an expert, and Mr. Santore shall contact the expert selected by this Court within ten (10) days of entry of said order and shall cooperate fully with the expert to schedule the evaluation recommended by the expert. The full results of the evaluation shall be made available to the Board, this Court, Mr. Santore, and TLAP. In the event additional evaluations by other medical or mental health expert(s) are recommended, the Board may seek additional relief from this Court.

3. Mr. Santore shall execute a written release, provided by TLAP, which allows TLAP to communicate with the Board and provide in detail the full circumstances and/or events which required TLAP to suddenly withdraw assistance to Mr. Santore and decline to communicate further with him. Mr. Santore shall deliver this executed release to TLAP and the Board within ten (10) days of his receipt of the release from TLAP.

4. Mr. Santore, within ten (10) days of the entry of this Order, shall provide the Board with a full and complete copy of the forensic psychological evaluation conducted by Dr. B. Charles Ihrig on May 21, 2024.

5. Mr. Santore, within ten (10) days of the entry of this Order, shall provide the Board with the original unedited surreptitious recording of his May 21, 2024, visit with Dr. Ihrig.

6. Mr. Santore shall comply with Tenn. Sup. Ct. R. 9 in all respects and particularly as provided in Tenn. Sup. Ct. R. 9, § 28, regarding the responsibilities of suspended attorneys. To reiterate, Mr. Santore’s suspension is effective immediately, and he must immediately cease representing clients.

7. Mr. Santore may, for good cause, make application for dissolution or modification of this Order as provided in Tenn. Sup. Ct. R. 9, § 12.3(d). However, given the unique circumstances of this case, no hearing on such a petition may be held before Mr. Santore:

(a) delivers to TLAP an executed written release, provided by TLAP, which allows TLAP to communicate with the Board and provide in detail the full circumstances and/or events which required TLAP to suddenly withdraw assistance to Mr. Santore and decline to communicate further with him;

(b) provides the Board with a full and complete copy of the forensic psychological evaluation conducted by Dr. B. Charles Ihrig on May 21, 2024;

(c) provides the Board with the original unedited surreptitious recording of his May 21, 2024, visit with Dr. Ihrig; and

(d) undergoes the examination by a qualified medical or mental health expert selected by this Court to assess his capacity and fitness to practice law, and the full results of the examination are provided to the Board, this Court, Mr. Santore, and TLAP.

8. Pursuant to Tenn. Sup. Ct. R. 9, §§ 32.4 and 36, Tenn. Sup. Ct. R. 33.07(B), and Tenn. Sup. Ct. R. 33.10, documents other than this Order relating to the Petition for Temporary Suspension and Evaluation or Examination shall not be public record and shall be kept confidential.

It is so ORDERED.

PER CURIAM