



**BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**

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RELEASE OF INFORMATION
RE: JAMES FOSTER SCHAEFFER, JR., BPR #006862
CONTACT: ALAN D. JOHNSON
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

November 9, 2021

SHELBY COUNTY LAWYER SUSPENDED

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.

Schaeffer 3106-9 rel.doc

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE



IN RE: JAMES FOSTER SCHAEFFER, JR., BPR #006862
An Attorney Licensed to Practice Law in Tennessee
(Shelby County)

No. M2021-01309-SC-BAR-BP
BOPR No. 2020-3106-9-AJ

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against James Foster Schaeffer, Jr., on July 15, 2020; upon a Supplemental Petition for Discipline filed on November 2, 2020; upon Mr. Schaeffer's Response to Petition for Discipline filed on January 21, 2021; upon Mr. Schaeffer's Response to Supplemental Petition for Discipline filed on January 22, 2021; upon a Conditional Guilty Plea filed by Mr. Schaeffer on August 10, 2021; upon an Order Recommending Approval of Conditional Guilty Plea entered on August 31, 2021; upon consideration and approval by the Board on September 10, 2021; and upon the entire record in this cause.

From all of which the Court approves the Order of the Hearing Panel and adopts the Hearing Panel's Order as the Court's Order.

On August 21, 2021, Mr. Schaeffer was suspended by this Court for failing to comply with Continuing Legal Education Requirements. Mr. Schaeffer has not requested, nor been granted reinstatement.

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

(1) Pursuant to Tenn. Sup. Ct. R. 9, § 12.2, James Foster Schaeffer, Jr., is suspended from the practice of law for one (1) year, consisting of thirty (30) days active suspension and the remainder on probation pursuant to Tenn. Sup. Ct. R. 9, §14 subject to the following conditions:

(a) During the period of active suspension and probation, Mr. Schaeffer shall incur 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.

(b) In the event Mr. Schaeffer fails to meet any condition of probation, the probation may be revoked pursuant to Tenn. Sup. Ct. R. 9, § 14.2, and upon a finding that revocation is warranted, Mr. Schaeffer shall serve the previously deferred period of suspension.

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 12.7, Mr. Schaeffer shall be required to make restitution to NaTonya Sanders in the amount of \$748.50. Payment of restitution is a condition precedent to reinstatement. In the event restitution is made by the Tennessee Lawyer's Fund for Client Protection ("TLFCP"), Mr. Schaeffer shall reimburse the TLFCP in the same amount.

(3) Mr. Schaeffer shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

(4) Prior to seeking reinstatement, Mr. Schaeffer must meet all CLE requirements; have remitted all outstanding registration fees and outstanding professional privilege taxes, including those due from the date of this suspension until the date of reinstatement; and have remitted all court costs and Board costs in this matter.

(5) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1, this Order shall be effective immediately.

(6) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3, Mr. Schaeffer shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$1,010.00 and the \$100.00 filing fee the Board of Professional Responsibility paid the Clerk of this Court to initiate this proceeding and shall also pay to the Clerk of this Court the costs incurred herein, if any, within ninety (90) days of the entry of this Order, for all of which execution may issue if necessary.

(7) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 28.11.

PER CURIAM