



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

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RELEASE OF INFORMATION
RE: MICHAEL S. SHIPWASH, BPR# 19173
CONTACT: RANDALL J. SPIVEY
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

April 25, 2011

KNOXVILLE LAWYER SUSPENDED

On April 15, 2011, Michael S. Shipwash of Knoxville, Tennessee, was suspended by the Tennessee Supreme Court for a period of one (1) year with all time probated pursuant to Rule 9, Section 8.5, of the Rules of the Supreme Court. During the pendency of his probation, Mr. Shipwash must attend ten (10) hours of Continuing Legal Education above the hours normally required, employ a law practice monitor and pay restitution to a former client in the amount of \$141,000.00.

Mr. Shipwash violated disciplinary rules by failing to competently and diligently represent his client, by failing to protect a client under a disability from abuse from her fiduciary, and by taking an unreasonable fee. Mr. Shipwash's actions violated Tennessee Supreme Court Rule 8, Rules of Professional Conduct 1.1 (Competence), 1.3 (Diligence), 1.5 (Fees), 1.8 (Conflict of Interest: Prohibited Transactions), and 1.14 (Client Under a Disability).

Mr. Shipwash was furthered ordered to pay the expenses and costs of the disciplinary proceedings against him, pursuant to Rule 9, Section 4.7, of the Rules of the Supreme Court and fully comply in all respects with the requirements and obligations of suspended attorneys as set forth in Rule 9, Section 18.1 of the Rules of the Supreme Court.

Shipwash 1741-2 rel.doc

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MICHAEL S. SHIPWASH, BPR #19173 APPELLATE COURT CLERK
An Attorney Licensed to Practice Law in Tennessee NASHVILLE
(Knox County)

NO. MA2011-00844-SC-BPO-BP

BOPR No. 2008-1741-2(K)-RS

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed by the Board of Professional Responsibility (the "Board") against Respondent, Michael S. Shipwash, on March 19, 2008; upon an Answer to the Petition for Discipline filed by the Respondent on April 9, 2008; upon the Hearing Panel Decision filed on February 23, 2010; upon a Petition for Writ of Certiorari filed by the Board on April 12, 2010; upon a Petition for Writ of Certiorari filed by the Respondent on April 14, 2010; upon the dismissal of the Respondent's Petition for Writ of Certiorari and the Board's Petition for Writ of Certiorari by the Chancery Court on February 14, 2011; and upon the entire record in this cause.

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

It is, therefore, **ORDERED, ADJUDGED** and **DECREED** by the Court,

1. The Respondent, Michael S. Shipwash, shall be suspended for one (1) year, with all time probated pursuant to Supreme Court Rule 9, Section 8.5 subject to the following conditions.
 - A. During the pendency of the probation, Respondent shall attend ten (10) hours of Continuing Legal Education on the topic of legal ethics. These hours shall be over and above the hours normally required by the Commission on Continuing Legal Education.
 - B. The Respondent shall employ, at his own expense, a Law Practice Monitor. In the first month of the probation period, the Law Practice Monitor will meet with the Respondent to discuss good office management practices and make suggestions on improving the Respondent's management of his law

practice. The Respondent shall meet with the Law Practice Monitor monthly during the probation period. The Law Practice Monitor shall specifically assist the Respondent in improving his use of retainer agreements and identifying conflicts of interest.

- C. The Law Practice Monitor shall provide monthly reports to Disciplinary Counsel detailing the Respondent's compliance with these conditions.
- D. During the probationary period, the Respondent shall also make restitution to Mary Ann Ledwell in the amount of \$141,000. The Respondent may negotiate a payment plan that is acceptable to the Board, however, his probation requires continual compliance with any agreed payment schedule.

3. Failure to meet any of the above listed conditions or upon report to Disciplinary Counsel from the Law Practice Monitor that the Respondent has failed to meet any of the above listed conditions will result in the revocation of the Respondent's probation. Upon revocation of his probation, the Respondent will be required to serve the entirety of the one (1) year suspension beginning (10) days from the date of revocation.

4. Pursuant to Supreme Court Rule 9, Section 24.3, the Respondent shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$8,189.95 and in addition, shall pay to the Clerk of this Court the costs incurred herein, within ninety (90) days from the entry of this order, for all of which execution may issue if necessary.

5. That the Respondent shall comply in all aspects with Rule 9, Section 18 of the Rules of the Supreme Court regarding the obligations and responsibilities of suspended attorneys.

6. The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Supreme Court Rule 9, Section 18.10.

FOR THE COURT:

Cornelia A. Clark
CORNELIA A. CLARK
CHIEF JUSTICE

Michael W. Catalano, Clerk, hereby certify that
this is a true and exact copy of the original

in the case.
This 15 day of April, 2011
By: Michael W. Catalano CLERK OF COURT D.C.