



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

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RELEASE OF INFORMATION
RE: WINSTON BRADSHAW SITTON, BPR #018440
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BOARD OF PROFESSIONAL RESPONSIBILITY
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January 22, 2021

DAVIDSON COUNTY LAWYER SUSPENDED

On January 22, 2021, Winston Bradshaw Sitton, an attorney licensed to practice law in Tennessee, was suspended from the practice of law for four (4) years with one (1) year to be served as an active suspension and the remainder on probation by Order of the Tennessee Supreme Court. The Court further ordered Mr. Sitton to pay costs and expenses associated with the case.

On August 23, 2018, a Petition for Discipline was filed against Ms. Sitton concerning one complaint of misconduct. Mr. Sitton posted a series of public Facebook posts in response to a friend's inquiry about the legality of carrying a weapon in her car. Mr. Sitton was aware that the friend had a very contentious and allegedly abusive relationship with the father of her child. In a series of Facebook posts responding to the question, Mr. Sitton told her that it was better to get a "taser" or "tear gas." If she were to get a shotgun, he said, she should first fill it with rock salt, then bird shot, and then "load for bear."

Mr. Sitton next posted: If you want to kill him, then lure him into your house and claim he broke in with intent to do you bodily harm and that you feared for your life. Even with the new stand your ground law, the castle doctrine is a far safer basis for use of deadly force.

Replying to Mr. Sitton's post, his Facebook friend commented, "I wish he would try." Mr. Sitton then posted: As a lawyer, I advise you to keep mum about this if you are remotely serious. Delete this thread and keep quiet. Your defense is that you are afraid for your life — revenge or premeditation of any sort will be used against you at trial.

A hearing panel found that Mr. Sitton violated Tennessee Rules of Professional Conduct 8.4(a) and (d), misconduct, and recommended that he be suspended from the practice of law for sixty (60) days.

The Tennessee Supreme Court exercised its discretion to review the discipline. Following a review of the record, the Court observed that practicing law is a privilege and lawyers in any setting — including on social media — are bound by the ethics rules. The Court held that had Mr. Sitton's advice been followed, it could have led to a disastrous outcome and encouraging the Facebook friend to make premeditated use of force appear as self-defense was "grave misconduct." Finally, the Court held that posting his bad advice publicly fostered a cynical perception that the judicial process is corrupt, and lawyers are co-conspirators who help clients manufacture fake defenses against criminal charges. Based on the Court's review, the hearing panel's proposed sanction of a sixty (60) day suspension was increased to a suspension of four (4) years with one (1) year to be served as an active suspension and the remainder on probation. Mr. Sitton must comply with Tennessee Supreme Court Rule 9, Section 28 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.

Justice Holly Kirby authored the majority opinion for the Court and Justice Sharon Lee filed a separate opinion concurring in the increase in the sanction.