



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

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RELEASE OF INFORMATION
RE: EDWARD L. SWINGER, BPR #14162
CONTACT: A. RUSSELL WILLIS
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

December 22, 2015

DAVIDSON COUNTY LAWYER SUSPENDED

On December 22, 2015, Edward L. Swinger, an attorney licensed to practice law in Tennessee, was suspended from the practice of law for twenty-two (22) months, retroactive to the date of his temporary suspension on February 25, 2014. Mr. Swinger must make restitution totaling \$1,250 to two former clients as a condition to future reinstatement. Mr. Swinger must pay the Board of Professional Responsibility's costs and expenses and court costs within ninety days.

The Board of Professional Responsibility filed a Petition for Discipline and Supplemental Petition for Discipline against Mr. Swinger based on five (5) complaints of misconduct alleging that he failed to act with diligence, failed to reasonably communicate with his clients, failed to promptly refund unearned fees, and charged an unreasonable fee.

Mr. Swinger entered a Conditional Guilty Plea admitting that his actions violated Rules of Professional Conduct 1.4 (communication); 1.16(d)(6) (declining and terminating representation); and 8.4(a) (misconduct)..

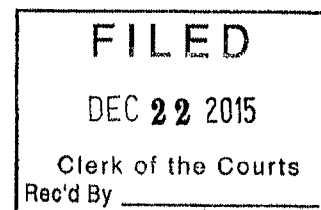
Mr. Swinger must comply with Tennessee Supreme Court Rule 9, Sections 28 and 30 regarding the obligations.

Swinger 2357-5 rel.doc

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: EDWARD L. SWINGER, BPR #14162
An Attorney Licensed to Practice Law in Tennessee
(Davidson County)

No. M2015-02417-SC-BAR-BP
BOPR No. 2014-2357-5-AW



ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline¹ filed by the Board of Professional Responsibility (Board) against Edward L. Swinger on August 21, 2014; upon a Supplemental Petition for Discipline filed November 17, 2014; upon Answer to Petition for Discipline filed by Mr. Swinger on April 23, 2015; upon entry of a Conditional Guilty Plea filed by Mr. Swinger on November 16, 2015; upon an Order Recommending Approval of Conditional Guilty Plea entered on November 17, 2015; upon consideration and approval by the Board on December 11, 2015; and upon the entire record in this cause.

From all of which the Court accepts the Order of the Hearing Panel and adopts the Hearing Panel's Order Recommending Approval of Conditional Guilty Plea as the Court's Order.

On February 25, 2014, Mr. Swinger was temporarily suspended by this Court pursuant to Tenn. Sup. Ct. R. 9, § 4.3 (Case No. M2014-00319-SC-BPR-BP) for failure to respond to the Board concerning a disciplinary complaint. To date, Mr. Swinger has not been granted reinstatement. In addition, Mr. Swinger was suspended on August 25, 2014, due to non-compliance with continuing legal education requirements, and said suspension remains in effect.

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

¹ Because the Petition for Discipline and Supplemental Petition for Discipline in this matter were initiated before the Board prior to and after January 1, 2014, both Tenn. Sup. Ct. R. 9 (2006) and Tenn. Sup. Ct. R. 9 (2014) are applicable.

(1) Pursuant to Tenn. Sup. Ct. R. 9, § 4.2 (2006) and Tenn. Sup. Ct. R. 9, § 12.2 (2014), Edward L. Swinger is suspended for twenty-two (22) months retroactive to Mr. Swinger's temporary suspension on February 25, 2014.

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 4.7 (2006) and Tenn. Sup. Ct. R. 9, § 12.7 (2014), and as a condition precedent to any reinstatement, Mr. Swinger shall make restitution to the following individuals on or before December 20, 2015, and shall furnish to the Board of Professional Responsibility proof of restitution. In the event restitution is made by the Tennessee Lawyer's Fund for Client Protection (TLFCP), Mr. Swinger shall reimburse TLFCP in the same amount:

- a. \$750.00 to Amy Miller and Wayne Shearin; and
- b. \$500.00 to D'Angelo Petties.

(3) Prior to seeking reinstatement, Mr. Swinger 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.

(4) Additionally, Mr. Swinger shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4 (2014) regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

(5) The Order of Temporary Suspension entered on February 25, 2014, in Case No. M2014-00319-SC-BPR-BP is hereby dissolved.

(6) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d) (2014), Mr. Swinger shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$947.93 and shall pay to the Clerk of this Court the costs incurred herein, within ninety (90) days of the entry of this Order, for all of which execution may issue if necessary.

(7) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1 (2014), this Order shall be effective upon entry.

(8) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 28.11 (2014).

PER CURIAM