



**BOARD OF PROFESSIONAL RESPONSIBILITY**  
of the  
**SUPREME COURT OF TENNESSEE**

1101 KERMIT DRIVE, SUITE 730  
NASHVILLE, TENNESSEE 37217  
TELEPHONE: (615) 361-7500  
(800) 486-5714  
FAX: (615) 367-2480  
E-MAIL: [ethics@tbpr.org](mailto:ethics@tbpr.org)  
Website: [www.tbpr.org](http://www.tbpr.org)

**RELEASE OF INFORMATION**  
**IN RE: PAUL RICHARD TALLEY, BPR #9660**  
**CONTACT: WILLIAM W. HUNT, III, Ph.D**  
**BOARD OF PROFESSIONAL RESPONSIBILITY**  
**615-361-7500**

November 10, 2005

**DANDRIDGE ATTORNEY CENSURED**

On November 4, 2005, the Board of Professional Responsibility, pursuant to Rule 9 of the Supreme Court Rules publicly censured attorney Paul Richard Talley, who practices law in Dandridge, Tennessee. Mr. Talley did not request a hearing. The Censure does not affect Mr. Talley's right to continue to practice law.

Kirk Fenner and Ian Barnes hired Mr. Talley to represent them in regard to illegal alcohol sales. (Mr. Fenner paid his fees.) Mr. Talley represented both of them at a preliminary hearing on November 19, 2003. The two were indicted on February 9, 2004. The matter was set for trial on March 22, 2004. After the indictment, the DA offered Mr. Fenner diversion and Mr. Barnes a misdemeanor.

Mr. Barnes accepted the offer. Mr. Talley claimed Mr. Fenner also accepted the offer. However, unbeknownst to respondent, Mr. Fenner secretly recorded their meeting, the recording showing that Mr. Fenner clearly rejected the diversion offer. Mr. Talley communicated to the court that both his clients would accept the offers and had the case assigned to the non-jury docket, scheduling it for April 15, 2004. Mr. Talley was out of town on April 15, and instructed his associate to go to court on their behalf. After talking to the clients, the associate informed the judge that the parties now wished to go to trial. The court found Mr. Fenner, Mr. Barnes, and Mr. Talley "in contempt on the basis of an intentional or reckless disregard for the orders of the court causing substantial interference with the orderly and efficient administration of justice."

Mr. Barnes and Mr. Talley did not contest the contempt. Mr. Fenner demanded a hearing, during which Mr. Fenner provided the court the tape of the meeting between respondent and himself. The court withdrew the contempt against Mr. Fenner after listening to the tape.

The Board found that Mr. Talley thereby violated RPC 1.2, 3.3, and 8.4(c) and (d) of the Tennessee Rules of Professional Conduct.

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