

IN DISCIPLINARY DISTRICT V
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE

IN RE: John Terence Tennyson, Respondent,
BPR# 32777, an attorney licensed
to practice law in Tennessee.
(Davidson County)

FILE NO. 59371-5-KB

PUBLIC CENSURE

The above complaint was filed against John Terence Tennyson, an attorney licensed to practice law in Tennessee, alleging certain acts of misconduct. Pursuant to Supreme Court Rule 9, the Board of Professional Responsibility considered these matters at its meeting on June 14, 2019

Mr. Tennyson entered into a written agreement with his client, Xingkui Guo, for representation in a civil matter to be specifically filed in federal court. The agreement required payment of a \$5,000.00 flat fee plus a contingent fee based upon recovery by settlement or judgment. The fee was not designated as a non-refundable fee and a penalty provision required Mr. Guo to pay Mr. Tennyson at the rate of \$370.00 per hour for his time if the representation was terminated. Mr. Tennyson was not diligent in the preparation and filing of the civil action despite regular assurances that it would be filed soon. Mr. Tennyson's non-lawyer assistant inappropriately discussed legal matters directly with Mr. Guo. After Mr. Guo terminated the legal representation, Mr. Tennyson filed a civil action in state court without Mr. Guo's consent. Mr. Tennyson failed to timely serve summons' upon the defendants and failed to formally withdraw from the action. The case was ultimately dismissed for lack of prosecution. Mr. Tennyson acknowledged that he did not keep contemporaneous billing records of his time nor did he have

an itemized billing statement and was thus required to provide the unearned portion of his fee to Mr. Guo.

By the aforementioned acts, John Terence Tennyson has violated Rule of Professional Conduct 1.2 (scope of representation), 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.15(d) (safekeeping property), 1.16 (terminating representation), 3.2 (expediting litigation), 3.4(c) (disobeying obligation under rules of tribunal), 5.3 (responsibilities regarding non-lawyer assistance), and 8.4(a)(d) (misconduct) and is hereby Publicly Censured for these violations. As a condition of the Public Censure, Mr. Tennyson shall be required to reimburse \$2,500.00 in fees directly to Mr. Guo within 90 days of the date set forth below.

FOR THE BOARD OF
PROFESSIONAL RESPONSIBILITY

Floyd S. Flippin

Floyd Flippin, Chair

7-19-19

Date