

SHELBY COUNTY  
 CHANCERY COURT  
 OCT 29 2013  
 JONNA L. RUSSELL, C &  
 TIME: 15:34 BY: [Signature]

IN THE CHANCERY COURT OF SHELBY COUNTY, TENNESSEE  
 THIRTIETH JUDICIAL DISTRICT AT MEMPHIS

BRADLEY TEPLITSKY, )  
 )  
 Petitioner, )  
 )  
 vs. )  
 )  
 BOARD OF PROFESSIONAL )  
 RESPONSIBILITY OF THE )  
 SUPREME COURT OF TENNESSEE, )  
 )  
 Respondent. )

Case No. CH-12-1250-1

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ORDER OF FINAL JUDGMENT

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This matter came on for final hearing on September, 18, 2013, before the Honorable Ben H. Cantrell, Senior Judge sitting by designation of the Supreme Court, upon the Petition for Writ of Certiorari filed by Bradley Teplitsky and the Motion to Dismiss filed by the Tennessee Board of Professional Responsibility. Upon review of the pleadings filed by the parties and the record as a whole and after considering the arguments of counsel, the Court finds as follows:

1. The record before the Court contains substantial and material evidence to support the judgment of the Hearing Panel that Mr. Teplitsky did not attend two (2) seminars for which he submitted an affidavit to the Tennessee Continuing Legal Education Commission (CLE) asserting his attendance and requesting credit toward his yearly mandatory CLE requirement. The Hearing Panel credited the testimony of Ms. Beach, Ms. Fritz and Ms. Bond-McKissack, as well as other evidence in the record, over the testimony of Mr. Teplitsky, and this Court cannot

substitute its judgment for that of the Hearing Panel as to the weight of the evidence on questions of fact.

2. The Motion to Recuse filed by Mr. Teplitsky on May 30, 2012, was filed too late and any objection to the constitution of the Hearing Panel was waived. Mr. Teplitsky was aware of the facts and circumstances giving rise to his Motion to Recuse on November 21, 2011. Mr. Teplitsky did not bring his objections to the attention of the Hearing Panel immediately or even at the final hearing held May 21, 2012. The conduct complained of was not so egregious that Mr. Teplitsky was excused from timely filing his recusal motion. As to the first Motion to Recuse filed by Mr. Teplitsky on October 12, 2011, the Court finds no reason to reverse the decision of the Hearing Panel denying the motion.

3. This Court finds that the Petition for Writ of Certiorari filed by Mr. Teplitsky on August 1, 2012, was untimely. Tenn. Code Ann. § 27-9-101 et seq., requires the Writ of Certiorari be filed within sixty (60) days of the filing of the order. Tenn. Sup. Ct. R. 9, § 8.3 modified the statutory language to provide that the Writ of Certiorari be filed within sixty (60) of the mailing of the order. The final order of the Hearing Panel was filed and mailed on May 30, 2012, and the Petition for Writ of Certiorari was filed beyond the sixty (60) day requirement.

Mr. Teplitsky asserts that Rule 6.05 of the Tennessee Rules of Civil Procedure allows an additional three (3) days because the Order was mailed. The Supreme Court has made it clear that strict compliance with Tenn. Code Ann. § 27-9-101 et seq., is required by petitioners seeking to perfect their appeal. The Supreme Court has provided very specific exceptions to Tenn. Code Ann. § 27-9-101 et seq., however, the application of Rule 6.05 of the Rules of Civil Procedure to extend the statutory appeal deadline of Tenn. Code Ann. § 27-9-102 is not one of

those exceptions. Had the Supreme Court intended to create a further exception to Tenn. Code Ann. § 27-9-101 et seq., it would have specifically done so in Tenn. Sup. Ct. R. 9.

CONCLUSION

For the reason so stated, it is the judgment of the Court that the Petition for Writ of Certiorari filed by Mr. Teplitsky be dismissed. Costs in this matter are taxed to the Petitioner for which execution, if necessary, may issue.

IT IS SO ORDERED this 28<sup>th</sup> day of October, 2013.

Ben H. Cantrell  
Ben H. Cantrell, Senior Judge

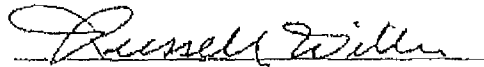
Approved for Entry



A. Russell Willis, BPR #011191  
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(615) 361-7500

CERTIFICATE OF SERVICE

I hereby certify that a copy of this Order of Final Judgment has been served upon Respondent, Bradley Teplitsky, by First Class U. S. Mail addressed to 70 Bond Street, #200, Toronto, Ontario, M5B-1X3, and by email addressed to [bradleyteplitsky@hotmail.com](mailto:bradleyteplitsky@hotmail.com) on this the 27<sup>th</sup> day of September, 2013.



A. Russell Willis