

**IN DISCIPLINARY DISTRICT IX
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**

FILED

2012 MAY 30 PM 2:13

BOARD OF PROFESSIONAL
RESPONSIBILITY

RW

EXEC. SEC.

IN RE: BRADLEY AARON TEPLITSKY,
BPR #024745
Respondent,
An Attorney Licensed and
Admitted to the Practice of
Law in Tennessee
(Shelby County)

DOCKET No. 2011-2056-9-KB

FINDINGS AND RECOMMENDATION OF THE HEARING PANEL

This cause came on to be heard by the Hearing Committee of the Board of Professional Responsibility of the Supreme Court of Tennessee (the "Panel") on May 21, 2012, upon the pleadings, argument of counsel representing the State of Tennessee, testimony of the Respondent, Bradley Aaron Teplitsky, and the entire record, including the following stipulated exhibits:

1. Copy of Affidavit of Completion dated August 27, 2011, executed by the Respondent and submitted to the Tennessee Commission on Continuing Legal Education and Specialization;
2. Copies of emails between the Respondent, and Andrea Curl, and Lisa Beach dated September 24th through September 27, 2010;
3. Copy of Affidavit of Completion dated October 1, 2010, executed by the Respondent and submitted to the Tennessee Commission on Continuing Legal Education and Specialization;

4. Copy of Tennessee Supreme Court Order of Summary Suspension for Failure to Comply with the Rule for Mandatory Continuing Legal Education dated September 7, 2010;
5. Copy of letter of October 27, 2010 from Preston Shipp to Respondent;
6. Collective copies of four (4) photographs of the venue for a Memphis Bar Association seminar of August 27, 2011;
7. Copy of Continuing Legal Education Program Attendance Form dated March 29, 2010 executed by the Respondent and submitted to the Tennessee Commission on Continuing Legal Education and Specialization; and
8. Memphis Bar Association New Judicial Disqualification Rules dated March 29, 2012.

From all of which the following findings of fact and conclusions of law were unanimously determined by the Panel:

FINDINGS OF FACTS

1. This is a disciplinary proceeding against the Respondent, Bradley Aaron Teplitsky, an attorney licensed to practice law in Tennessee;
2. Disciplinary Counsel on behalf of the Board filed a Petition for Discipline against the Respondent on June 22, 2011;
3. On July 19, 2011, the Board filed an Agreed Order Granting Extension of time for Respondent to File His Answer to the Petition for Discipline;
4. On July 25, 2011, the Board filed a Motion for Default Judgment and that Allegations Contained in Petition for Discipline be Deemed Admitted;

5. On August 1, 2011, the Respondent filed a response to the Board's Motion for Default Judgment and that Allegations Contained in Petition for Discipline be Deemed Admitted;

6. On August 2, 2011, the Board filed a Response to Respondent's Response to Motion for Default Judgment and that Allegations Contained in Petition for Discipline be Deemed Admitted;

7. On August 31, 2011, the Respondent filed an Answer;

8. On September 1, 2012, the Respondent filed a Motion for further extension of time in which to file an Answer to August 30, 2011 the date on which the Respondent faxed his Answer to the Board;

9. On September 6, 2011, the Respondent filed an Amended Motion for further extension of time in which to file an Answer;

10. On October 12, 2011, the Respondent filed a Motion for Recusal of the Hearing Panel;

11. On October 21, 2011, the Board filed a Notice to Take the Deposition of the Respondent on November 21, 2011;

12. On October 25, 2011, the Board filed a Response to Respondent's Motion for Recusal;

13. On November 8, 2011, the Board filed a Motion to Compel Discovery Responses from the Respondent;

14. On November 8, 2011, the Board filed an Expedited Motion for Protective Order and to Compel Respondent's Attendance at the noticed November 21, 2011 deposition;

15. On November 8, 2011, the Respondent filed a Notices to Take Depositions of Leslie Beach and Preston Shipp on November 21, 2011;

16. On November 9, 2011, the Respondent filed a Response to the Boards' Omnibus Motion for An Order Confirming Schedule; and Compelling Respondent to Deliver Discovery Responses and to Attend Deposition; a Protective Order; and Order Preventing Respondent from Filing Pleadings;

17. On November 10, 2011, a Scheduling Order was entered;

18. On November 14, 2011, an Order on Motion to Compel Discovery Responses was entered requiring the Respondent to respond to the Board's discovery requests on or before November 18, 2011 and is prohibited from filing pleadings or otherwise holding himself out to be practicing at a Cordova, Tennessee residence;

19. On November 14, 2011, an order on granting the Board's Expedited Motion for Protective Order and to Compel Respondent's Attendance was entered precluding the Respondent from obtaining information from Preston Shipp through a discovery deposition or otherwise;

20. On November 14, 2011, an order was entered denying the Respondent's Motion for Recusal;

21. On November 15, 2011, a Notice of Hearing Panel Change was entered;

22. On December 6, 2011, a Witness and Exhibit List was filed by the Board;

23. On December 15, 2011, an Order Resetting Hearing Date was entered moving the hearing from February 20, 2012 to February 23, 2012;

24. On December 22, 2011, the Board filed a Motion for Continuance;

25. On January 5, 2012, a Notice of Hearing was filed setting a hearing for February 23, 2012;
26. On January 12, 2012, an Order Resetting Hearing Date continuing the hearing until a date was determined
27. On February 27, 2012, a Scheduling Order was entered;
28. On March 5, 2012, a Supplemental Order on Motion for Recusal was entered;
29. On April 30, 2012, the Board filed a Pre-Trial Brief;
30. On May 7, 2012, the Respondent filed a Pre-Trial Brief; and
31. On May 18, 2012, the Respondent filed a Witness and Exhibit List.

A hearing took place on Monday, May 21st, 2012, in the Tennessee Supreme Courtroom at the Shelby County Courthouse. The Board was represented by Kevin Balkwill, Disciplinary Counsel; Mr. Teplitsky appeared *pro se*. The Hearing Panel consisted of Marjorie S. Baker, Esq., Kevin G. Ritz, Esq., and David M. Cook, Esq., Hearing Panel Chair. The Board alleged that the Respondent signed a false affidavit dated September 23, 2010, to the Tennessee Commission on Continuing Legal Education and Specialization stating that he had attended a CLE presentation at the Memphis Hilton Hotel on August 19, 2010, entitled "The Top 10 Intellectual Property & Entertainment Law Issues that Every Attorney and Business Professional Needs to Know" sponsored by the Memphis Bar Association. The Respondent further testified that he attended a CLE presentation at the Law Office of Denise McCrary on August 27, 2010, entitled "Mediating and Resolving Business Disputes" sponsored by the Memphis Bar Association. The proof consisted of testimony by the Respondent, in which he denied submitting the false affidavit and testified that his former assistant, a Ms. Rochester, had picked up the

seminar materials for him on August 19th and August 27th because the Respondent thought he would be unable to attend the seminars. Subsequently, he testified that he did attend the seminars. He also testified that he had never filled out the attendance forms provided at Memphis Bar Association seminars, and that he was habitually late in providing the necessary documentation regarding CLE compliance. Lisa Beach of the Memphis Bar Association was then called the witness stand. Ms. Beach testified that she had been present at both of the seminars in question, as she always is for Memphis Bar Association seminars, and that Mr. Teplitsky had attended neither seminar. The Respondent cross-examined the witness on the issue of whether or not he attended the seminars. The next witness was Anne Fritz, Executive Director of the Memphis Bar Association, who had been present at the August 19th seminar and testified that Mr. Teplitsky was not present. The Board's final witness was Ms. Judy Bond-McKissik, the Executive Director of the Tennessee Commission on Continuing Legal Education and Specialization. Ms. Bond-McKissik testified that the Respondent was chronically late in providing documentation of CLE compliance, and that he had been suspended in 2009 and 2010 for non-compliance. An order was entered on October 31st, 2011 relieving the Respondents' suspension for 2010 and 2011. The Respondent then testified that he was in fact at the seminars. He testified as to his practice in reporting his CLE compliance each year. The final witness, called in rebuttal, was Ms. Beach, who testified that the Respondent did not attend a seminar of March 29, 2011, which the Respondent testified he had attended in an effort to determine whether Ms. Beach would note his presence.

CONCLUSION OF LAW

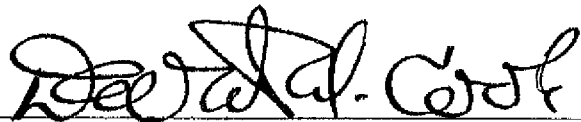
The Complaint is brought pursuant to Tennessee Supreme Court Rule 8.4 (c), engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation by virtue of filing and submitting the false affidavit. The sanction sought is a public reprimand, pursuant to Rule 5.13. In the course of evaluating the evidence, the Panel unanimously concluded that the Respondent had not, in fact, attended the seminars in question, and that he had submitted a false affidavit to the Tennessee Commission on Continuing Legal Education and Specialization.

WHEREFORE, PREMISES, CONSIDERED, the Panel finds that the Respondent is guilty of violating the Tennessee Supreme Court Rules 8-4(c).

RECOMMENDATION

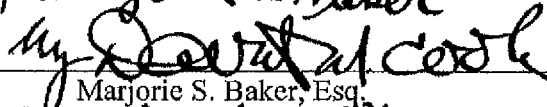
Accordingly, it is the recommendation of the Board that the Respondent, having violated the cited disciplinary rule should be sanctioned pursuant to Rule 5.13. Accordingly, the Panel recommends that the Respondent be punished by the issuance of a public reprimand.

It is so ordered this 30th ^{May} day of ~~June~~, 2012.



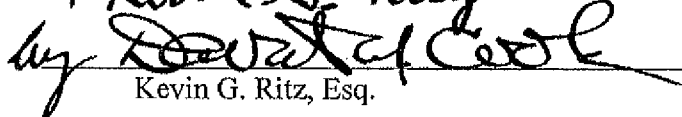
David M. Cook, Esq., Hearing Panel Chair

1st Marjorie S. Baker



Marjorie S. Baker, Esq.

1st Kevin G. Ritz



Kevin G. Ritz, Esq.