



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

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**RELEASE OF INFORMATION**  
**RE: GERALD DENNY WAGGONER, BPR #13988**  
**CONTACT: A. RUSSELL WILLIS**  
**BOARD OF PROFESSIONAL RESPONSIBILITY**  
**615-361-7500**

August 2, 2017

**SHELBY COUNTY LAWYER SUSPENDED**

On August 1, 2017, the Supreme Court of Tennessee entered an order suspending Gerald Denny Waggoner, Jr., from the practice of law for a period of three (3) years, pursuant to Tennessee Supreme Court Rule 9, Section 12.2, and requiring payment of restitution to the client and costs to the Board of Professional Responsibility. As a condition of reinstatement, Mr. Waggoner will be required to engage a practice monitor for one (1) year.

A Petition for Discipline was filed against Mr. Waggoner on March 1, 2016, consisting of one (1) complaint alleging lack of diligence, lack of communication, incompetent representation, misrepresentations to client, improper fee and misrepresentations to the Board. Mr. Waggoner applied for and received a statutory award of attorney fees in an ERISA case. Although required by a written contingency fee agreement to credit any fee received toward that owed by the client, Mr. Waggoner demanded a forty percent (40%) contingency fee upon settlement of the case in addition to retaining the previously received statutory fee. Without the knowledge or consent of his client, Mr. Waggoner removed the disputed fees from his trust account and converted them to his personal and business use. Further, Mr. Waggoner failed to provide his client with a detailed accounting of the funds received and converted and materially misrepresented to the Board that the client's money remained in the law firm's trust account. The matter was tried before a Hearing Panel which determined the appropriate disciplinary sanction to impose upon Mr. Waggoner was a three (3) year suspension.

Mr. Waggoner's conduct violated Rules of Professional Conduct (RPC) 1.4 (communication); 1.5(a) & (b) (fees); 1.15(a), (b), (d) & (e) (safekeeping property and funds); 8.1(a) & (b) (bar admissions and disciplinary matters) and 8.4(a), (b), (c) & (d) (misconduct).

Mr. Waggoner must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.