



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

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**RELEASE OF INFORMATION**  
**RE: JOSEPH WEYANT, BPR # 22587**  
**CONTACT: KEVIN BALKWILL**  
**BOARD OF PROFESSIONAL RESPONSIBILITY**  
**615-361-7500**

April 29, 2010

**CLARKSVILLE LAWYER CENSURED**

On April 28, 2010, Joseph Weyant, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Weyant represented to a client that he would help protect his business while the client was deployed overseas in Iraq. To that end, Weyant acted as gatekeeper in giving authorization to handle the client's real estate transactions. Weyant fell victim to fraud by entering into a proposed lucrative real estate transaction at the advice of an individual who had previously handled transactions for the client. Weyant failed to verify the circumstances surrounding the real estate transaction and entered into a loan agreement on behalf of the client which contained terms adverse to the client and without the client's express consent. Weyant's conduct caused substantial monetary loss to the client and has resulted in the filing of civil litigation against the client.

By his actions, Joseph Weyant has violated Rule of Professional Conduct 1.1 (competence), 1.2 (scope of representation), 1.4 (communication), 1.7 (conflict of interest), 1.8(f) (conflict of interest), and 2.1 (failure to exercise independent professional judgment). For this violation, the Board of Professional Responsibility publicly censures Joseph Weyant. A public censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

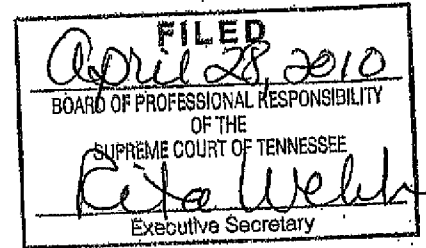
Weyant 31532-6 rel.doc

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



IN RE: JOSEPH WEYANT BPR NO. 22587  
Respondent, an attorney licensed  
to practice law in Tennessee  
(Montgomery County)

FILE NO. 31532-6-DB

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PUBLIC CENSURE

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The above complaint was filed against Joseph Weyant, 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 this matter at its meeting on March 12, 2010.

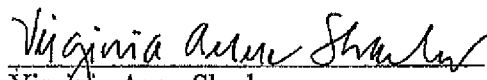
Respondent represented to Complainant that he would protect his business interests while Complainant was deployed to Iraq by the United States Army. Respondent prepared a Power of Attorney granting an accountant in his office building with authority to conduct business on behalf of Complainant. All such business was to have prior approval by Respondent. After Complainant's deployment to Iraq, Julianne Borden, an acquaintance of Complainant, came to Respondent and advised him of an investment opportunity that she indicated Complainant had an interest in. Ms. Borden stated that Complainant would lose a substantial earnest money deposit in the amount of \$85,000.00 if the deal was not made. Ms. Borden informed Respondent that she had found an investor who agreed to lend money for the proposed real estate venture. Respondent had previously developed a personal friendship with the investor and had represented him in some unrelated matters. The investor submitted terms for a loan that were

materially adverse to Complainant. Respondent approved the loan agreement and secured the loan with real estate owned by Complainant. Respondent failed to verify any of the circumstances surrounding the proposed real estate venture prior to giving his approval. The real estate venture was later revealed to be a fraud perpetrated by Ms. Borden, and Complainant suffered a substantial financial loss as a result.

Respondent violated RPC 1.1 because he failed to exhibit the legal knowledge and skill necessary for competent representation of Complainant. Respondent violated RPC 1.2 because he acted outside the scope of his representation by binding Complainant to a new contract with the investor. Respondent violated RPC 1.4 by failing to consult with Complainant before binding Complainant to the contract with the investor and failing to take immediate measures to inform Complainant of the suspected fraud. Respondent violated RPC 1.7 by negotiating contract terms with the investor, a personal friend, that were adverse to Complainant. Respondent violated RPC 1.8(f) by accepting direction from Ms. Borden without consent from Complainant after consultation. Respondent violated RPC 2.1 by failing to exercise independent professional judgment in his representation of Complainant.

By the aforementioned facts, Joseph Weyant, has violated Rules of Professional Conduct 1.1 (Competence), 1.2 (Scope of Representation), 1.4 (Communication), 1.7 (Conflict of Interest), 1.8(f) (Conflict of Interest), and 2.1 (Failure To Exercise Independent Professional Judgment), and is hereby Publically Censured for these violations.

FOR THE BOARD OF  
PROFESSIONAL RESPONSIBILITY

  
Virginia Anne Sharber

4/22/2010  
Date