



BOARD OF PROFESSIONAL RESPONSIBILITY
of the
SUPREME COURT OF TENNESSEE

1101 KERMIT DRIVE, SUITE 730
NASHVILLE, TENNESSEE 37217
TELEPHONE: (615) 361-7500
(800) 486-5714
FAX: (615) 367-2480
E-MAIL: ethics@tbpr.org
Website: www.tbpr.org

RELEASE OF INFORMATION
IN RE: DAVID E. WOODBY, BPR #13648
CONTACT: WILLIAM W. HUNT, III
BOARD OF PROFESSIONAL RESPONSIBILITY
615-366-0480

March 25, 2008

LAW LICENSE OF SULLIVAN COUNTY ATTORNEY SUSPENDED

On March 19, 2008, the Supreme Court of Tennessee suspended the law license of David E. Woodby, who last practiced in Sullivan County. The Court also required Mr. Woodby to make restitution to his clients.

Disciplinary Counsel of the Board of Professional Responsibility filed a petition for discipline as to Mr. Woodby. This petition arose from a complaint filed with the Board of Professional Responsibility. On January 9, 2004, the Complainant and her husband retained Mr. Woodby to file a Chapter 7 bankruptcy on their behalf. Mr. Woodby quoted his fees as \$400 attorney fee and \$200 court costs. Mr. Woodby agreed to accept \$300 as a retainer, which the Complainant paid. The Complainant agreed to pay the remaining monies when she was notified of a court date. Mr. Woodby agreed to file the petition soon after the meeting. Mr. Woodby failed to place the portion of the fee that was paid for court costs in a separate trust account. The Complainant contacted Mr. Woodby every month after the meeting. During each of the contacts, Mr. Woodby admitted he had not filed the petition yet. In February 2005, the wages of the Complainant's husband were garnished. Upon notice of the garnishment, the Complainant called Mr. Woodby. During this telephone call, Mr. Woodby informed the Complainant that he had still not filed the Petition for Bankruptcy. During this telephone call, Mr. Woodby told the Complainant that he could not file the petition for another month or two. The Complainant and her husband retained a new attorney. They had to pay another attorney's fee to their new attorney. The Complainant then contacted Mr. Woodby approximately twice a week trying to obtain a refund of her retainer.

Mr. Woodby has not refunded the fee. Neither did he file an answer to the Petition for Discipline. Nor did he attend the hearing in this matter. Mr. Woodby thereby violated RPC 1.3 and 1.5, Rule 8, Rules of the Supreme Court.

Rule 9, Rules of the Supreme Court sets forth the rules concerning lawyer discipline. At the end of a year, Respondent's law license cannot automatically be reinstated. He has to petition for a reinstatement hearing and after a hearing, said hearing panel, along with the Court, must agree to reinstate his law license.

Woodby 1618-1 rel.doc

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