

# Board of Professional Responsibility

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## 32<sup>nd</sup> Annual Discipline Report Fiscal Year July 1, 2012 – June 30, 2013

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### 1. Number of Tennessee Attorneys

- Active Attorneys	21,142
- Inactive Attorneys	3,833
- Pro Hac Vice Attorneys	833

### 2. Complaints

Complaints Received:	1,474
Complaints Pending at beginning of Fiscal Year:	<u>591</u>
Total Complaints:	2,065

#### Disposition:

Administrative Dismissals:	587
Investigative Dismissals:	613
Transfer to Formal Charges:	170
Diversions:	11
Private Informal Admonitions:	69
Private Reprimands:	13
Informal Public Censures:	30
Consent to Disbarment:	6
Transfer to Disability Inactive:	13
Placed on Retired Status:	17
Other: <sup>1</sup>	<u>7</u>

Total Complaints processed: 1,536

### 4. Formal Proceedings:

Formal cases filed:	79
Formal cases pending at beginning of Fiscal Year:	<u>73</u>
Total formal proceedings:	152

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<sup>1</sup> Abated by death; complaint withdrawn; duplicate file.

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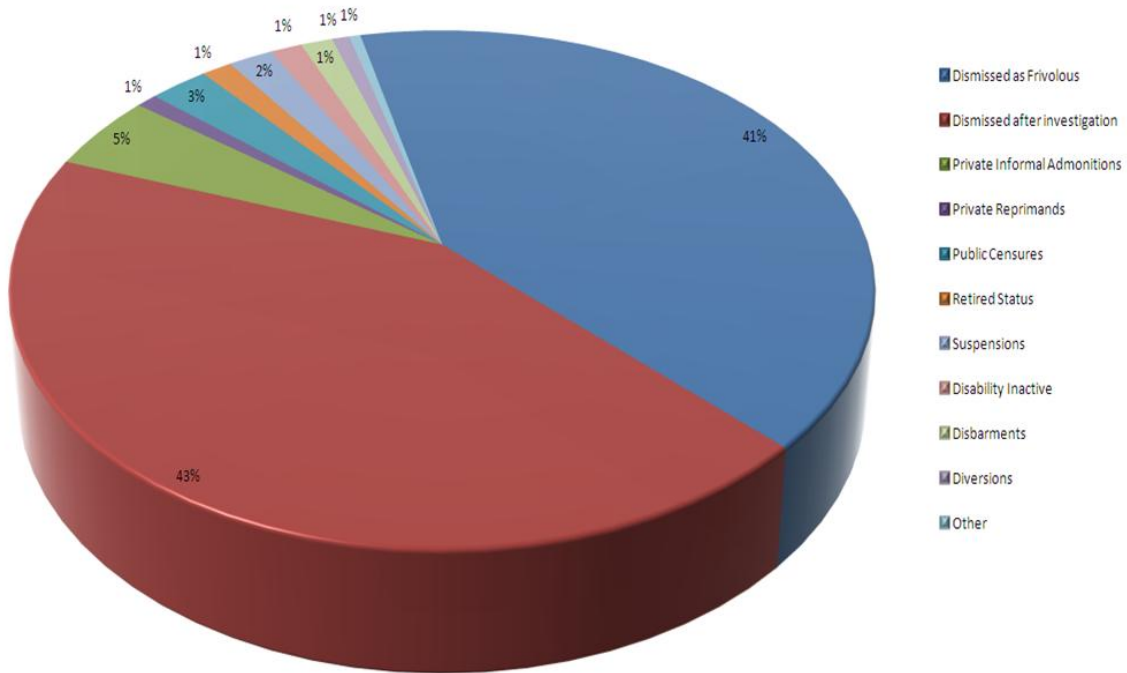
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**5. Formal Proceedings Disposition**

Dismissals	3
Public Censures	7
Suspensions	28
Disbarments	14
Transfer to Disability Inactive	7
Placed on Retired Status	2
Temporary Suspensions	15
Reinstatements:	3
Other actions <sup>2</sup>	7
 Total:	 86

**Resolution of Complaints/Formal Proceedings**  
**July 1, 2012 -- June 30, 2013**




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<sup>2</sup> Abated by death; voluntary non-suit; dismissed.

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**6. Non-disciplinary/Administrative Suspensions:**

Non-payment of Annual Fee:	149
Continuing Legal Education non-compliance:	144
Interest on Lawyer's Trust Accounts non-compliance:	135
Professional Privilege Tax non-compliance:	41
Total:	469

**7. Trust Account Overdrafts**

Activity:	
Overdrafts Received:	172
Overdrafts Pending at beginning of Fiscal Year:	<u>16</u>
Total:	188

Disposition:	
Overdrafts Closed:	127
Overdrafts transferred to Investigation:	49
Overdrafts Pending as of end of Fiscal Year:	<u>12</u>
Total:	188

**8. Consumer Assistance Program (CAP)**

Caseload<sup>3</sup>

Cases Opened	1021
Cases Closed	985
Activities Opened	1820
Activities Closed	1946

Disposition

Mediate	1096	34%
Advise	1846	57%
Referrals	275	9%
Total:	3217	100%

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<sup>3</sup> Each case number involves a client and a particular attorney, but within that case, there can be multiple activities. For example, a case is first opened and a minor communication problem is successfully mediated. Later, there may be a question about a returned file, which is mediated. These are two separate activities within the same case.

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**9. Education and Information**

a. Ethics Opinions

1. Formal Ethics Opinions: In Fiscal Year 2012-2013, the Board issued three Formal Ethics Opinions:

- **2012-F-91(c)** concerning the ethical propriety of employment of lawyers admitted to practice in other jurisdictions but not admitted to practice in Tennessee;
- **2012-F-155** regarding whether district attorneys can ethically comply with the requirements of T.C.A. 40-32-101(a); and
- **2013-F-156** concerning whether a criminal defense lawyer alleged by a former criminal client to have rendered ineffective assistance of counsel may voluntarily provide information to the prosecutor defending the claim outside the court supervised setting.

2. Advisory Opinions: Disciplinary Counsel responded to 2,064 phone and internet inquiries from attorneys seeking ethical guidance.<sup>4</sup>

b. Continuing Legal Education (CLE) Presentations: Between July 1, 2012 and June 30, 2013, Disciplinary Counsel presented forty-nine (49) CLE seminars, attended by approximately 3,417 attorneys. The Board also hosted its Ethics Workshop on October 30, 2012, attended by 101 attorneys.

c. *Board Notes*: In January 2013, the Board resumed publication of *Board Notes*, the Board's bi-annual newsletter providing education and information to the bar and the public. *Board Notes* is emailed to all attorneys and judges and is published on the Board's website.

d. Website at [www.tbpr.org](http://www.tbpr.org): The Board continues to enhance its website with current rule changes, disciplinary decisions and news for the bar and the public. The Board posts disciplinary Judgments and has uploaded all Hearing Panel Judgments, Circuit, Chancery and Supreme Court decisions from 2008 to the present.

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<sup>4</sup> Tennessee attorneys may submit ethics inquiries to the Board by calling 615-361-7500, ext. 212, or via the Board's website at [www.tbpr.org](http://www.tbpr.org).