

TWENTY-EIGHTH ANNUAL REPORT

July 1, 2003 through June 30, 2004

The steady and significant decline in the opening of complaint files continues. There were 926 files opened during the past year, a decrease of 5.8% from 983 opened during a similar period last year, and a decrease of 44% compared with 1998 when 1,655 files were opened. The Board has received 34,357 complaints during the past twenty-eight years, excluding the consumer assistance concerns mentioned below. The complaints have resulted in 151 disbarments, 364 suspensions, 412 public censures and 2,596 private reprimands or admonitions. The nature of the files created and areas from which they arose during the past two years are shown on page two of this report.

The Consumer Assistance Program, implemented by the Board in 2002, continues to receive a large volume of legal consumer contacts. During the past year, the program addressed 4,567 consumer concerns, an increase of 18% over the previous year. Informal mediation of consumer concerns, not rising to the level of serious ethical violations, occurred in 4,080 instances. Giving general information resulting from inquiries by legal consumers accounted for the highest frequency of other activity. Areas of practice for which the most concerns were received are criminal, domestic, general civil, personal injuries and estates. There were 1,195 referrals to other entities such as fee dispute committees, lawyer referral services or to disciplinary counsel when concerns could not be quickly resolved by mediation.

The ethics opinion service, implemented in 1980 as a proactive program to prevent ethical misconduct, has resulted in 160 formal ethics opinions and 809 advisory opinions. Disciplinary Counsel have responded to 51,596 hotline phone inquiries from attorneys seeking ethical guidance, including 3,373 inquiries during the past year. Disciplinary Counsel also participated in 50 bar-sponsored ethics seminars during the year, attended by approximately 2,743 attorneys.

Attorneys are continuing to be proficient in the appropriate maintenance of trust accounts. There were 82 overdraft notices filed this year, representing a 71% decline in overdraft notices from 288 in 1995. The overdraft notice program was implemented in 1994, requiring trust accounts to be maintained in financial institutions which agree to report overdrafts to the Board. More than 300 banks are participating in the program.

The Board's practice and professionalism enhancement program, implemented in 1997, has resulted in 231 attorneys completing Board-sponsored ethics workshops as an alternative to discipline (diversion), or in connection with discipline concurrently imposed.

Tennessee attorneys have contributed \$24.6 million in annual Court assessments to finance the Board's programs, with no contributions from other sources. The annual attorney registration fees provided revenue in FY 03-04 of \$1,731,537. Additional revenues of \$86,664 have been received from interest, reimbursement of costs of disciplinary proceedings and prior fees and penalties, providing total Board revenue of \$1,818,201. Expenditures for the year were \$1,881,426. The Board also collected and remitted an additional \$327,300 this year to the Supreme Court's Lawyer Assistance Program. In addition, \$156,030, totaling \$2.29 million since 1990, has been collected and remitted to the Court's Lawyers' Fund for Client Protection.

REGISTRATION INFORMATION ^m									DISCIPLINARY DISTRICTS ^l	DISCIPLINARY INFORMATION ^m													
General Population ^φ	Active Attorneys		Exempt Attorneys		Suspended Attorneys ^κ		Total Attorneys			Number of Complaints	Disbarments		Suspensions		Public Censures		Private Reprimands		Private Admonitions		Disability Inactive		
	2004	2003	2004	2003	2004	2003	2004	2003	2004	2003	2004	2003	2004	2003	2004	2003	2004	2003	2004	2003	2004	2003	
750,371	886	865	81	72	46	45	1,013	982	I	69	107	0	0	1	2	2	1	0	2	3	7	1	0
378,172	455	438	49	46	19	19	523	503	II Excluding Knox Co.	56	52	0	0	1	1	2	1	0	3	2	6	0	0
392,995	1,599	1,600	154	139	71	70	1,824	1,809	II Knox County	130	89	0	0	0	3	1	0	6	6	2	6	2	0
305,617	245	246	26	25	9	7	280	278	III Excluding Hamilton Co.	27	14	0	0	0	0	0	0	2	0	1	0	0	0
309,510	1,050	1,039	90	79	44	40	1,184	1,158	III Hamilton County	44	36	0	0	0	0	3	3	0	2	0	2	0	0
815,043	939	898	102	100	42	40	1,083	1,038	IV	66	66	0	0	3	3	5	1	0	6	2	3	0	1
569,842	3,739	3,657	321	306	198	188	4,258	4,151	V Davidson County	184	187	2	0	2	3	3	3	5	7	10	8	1	0
803,308	1,327	1,268	133	117	70	69	1,530	1,454	VI	69	102	2	1	1	0	1	3	1	7	7	7	2	2
335,580	460	448	42	42	22	22	524	512	VII	26	55	1	0	1	1	1	1	0	1	4	5	0	0
275,132	246	239	24	25	12	13	282	277	VIII	20	26	0	0	0	0	1	0	0	0	2	2	0	0
906,178	3,112	3,026	316	291	229	226	3,657	3,543	IX Shelby County	220	224	2	1	5	4	5	6	5	10	17	33	0	0
	2,813	2,764	838	794	745	679	4,396	4,237	Out of State	15	25	0	1	0	0	1	0	1	1	3	2	0	0
5,841,748	16,871	16,488	2,176	2,036	1,507	1,418	20,554	19,942	--- TOTALS ---	926	983	7	3	14	17	25	19	20	45	53	81	6	3

NOTES:

^φU.S. Bureau of the Census, 2003 estimated County Population for Tennessee Counties.

^κThis total includes suspensions for: non-payment of fee (535), non-compliance with CLE (327), disciplinary actions (137) and multiple suspensions (508).

^λThe Disciplinary Districts contain the following counties pursuant to Rule 9(2):

District I - Johnson, Carter, Cocke, Greene, Hancock, Grainger, Jefferson, Sullivan, Washington, Unicoi, Hawkins, Claiborne, Hamblen and Sevier Counties.

District II - Campbell, Anderson, Roane, Blount, Morgan, Union, Knox, Loudon and Scott Counties.

District III - Polk, Hamilton, Sequatchie, Bledsoe, Meigs, Monroe, Bradley, Marion, Grundy, Rhea and McMinn Counties.

District IV - White, Van Buren, Pickett, Putnam, Overton, Clay, Franklin, Moore, Bedford, Rutherford, Wilson, Trousdale, Warren, Fentress, Cumberland, Smith, Jackson, Coffee, Lincoln, Marshall, Cannon, DeKalb and Macon Counties.

District V - Davidson County.

District VI - Giles, Wayne, Lewis, Maury, Humphreys, Cheatham, Houston, Montgomery, Robertson, Lawrence, Perry, Hickman, Dickson, Stewart, Sumner and Williamson Counties.

District VII - Henry, Carroll, Henderson, Hardeman, Hardin, Benton, Chester, Decatur, Fayette, McNairy and Madison Counties.

District VIII - Weakley, Lake, Gibson, Haywood, Tipton, Obion, Dyer, Crockett and Lauderdale Counties.

District IX - Shelby County.

^μPeriod for 2004 data is July 1, 2003 through June 30, 2004.
Period for 2003 data is July 1, 2002 through June 30, 2003.

NATURE OF COMPLAINTS:

2004 2003

TRUST VIOLATIONS: Recordkeeping, Embezzlement, Conversion, Commingling	62	93
CONFLICT OF INTEREST: Personal, As Public Official, Appearance of Impropriety, Business with Clients, Multiple Representation	65	58
NEGLECT: Preparation, Failure to Communicate, File, Appear or Perform	348	318
MISREPRESENTATION OR FRAUD: False Documents, Attestation, Statements, Failure to Clarify	83	62
RELATIONSHIP WITH CLIENT: Limiting Liability, Discussing Confidence, Improper Withdrawal, Not Releasing Documents, Extortion, Harassment, Failure to Protect Client's Interest	264	305
FEES: Overreaching, Excessive, Splitting Fee with Non-Lawyer, Improper Division, Failure to Refund, Improper Fee	24	34
IMPROPER COMMUNICATIONS: Advertising, Solicitation, Trial Publicity, Contact with Witnesses, Officials, Jury, Opposing Party	59	79
CRIMINAL CONVICTION: Felony, Misdemeanor, Other	3	2
PERSONAL BEHAVIOR: Competence, Mental Disability, Aiding Unauthorized Practice, Ineffective Assistance	18	32
OTHER: Reciprocal Discipline, not available	0	0

TOTAL FILES OPENED: 926 983

ALL ATTORNEYS ARE REQUIRED TO FILE WRITTEN NOTICE OF ANY CHANGE IN RESIDENCE ADDRESS, OFFICE ADDRESS OR STATUS WITHIN 30 DAYS OF SUCH CHANGE AS REQUIRED BY SUPREME COURT RULE 9(20.5).

FRIVOLOUS MATTERS ADMINISTRATIVELY DISMISSED PURSUANT TO RULE 9(7.2)(c): 321 315

TOTAL MATTERS RECEIVED: 1,247 1,298