

## TWENTY-SEVENTH ANNUAL REPORT

**July 1, 2002 through June 30, 2003**

During the past five years, there has been a steady and significant decline in the opening of ethical complaint files. There were 983 files opened during the past year, a decrease of 16% from 1,171 opened during a similar period last year, and a decrease of 40% compared with 1998 when 1,655 files were opened. The Board has received 33,263 complaints during the past twenty-seven years, resulting in 144 disbarments, 350 suspensions, 387 public censures and 2,523 private reprimands or admonitions. The nature of the files created and areas from which they arose during the past two years are shown on the reverse of this page.

The Board's *Consumer Assistance Program*, implemented in February, 2002, continues to be effective in resolving consumer concerns which do not rise to the level of serious ethical violations. During the past twelve-month period, the program has addressed 3,757 consumer concerns. There have been 3,533 instances of informal mediation. The highest frequency of other actions taken has been advising general information. The areas of practice for which the most concerns were received are criminal, domestic, general civil, personal injury and bankruptcy. There have been 1,484 referrals by CAP to other entities such as fee dispute committees, lawyer referral services, or to disciplinary counsel when problems cannot 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 780 advisory opinions. Disciplinary Counsel have responded to 48,223 hotline phone inquiries from attorneys seeking ethical guidance, including 3,599 inquiries during the past year. Disciplinary Counsel also participated in 32 bar-sponsored ethics seminars during the year, attended by approximately 3,136 attorneys.

Attorneys are continuing to be proficient in the appropriate maintenance of trust accounts. There were 44 overdraft notices filed this year, representing an 85% 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 two hundred-nineteen attorneys completing Board-sponsored ethics workshops as an alternative to discipline (diversion), or in connection with discipline concurrently imposed.

Tennessee attorneys have contributed \$22.8 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 02-03 of \$1,725,895. Additional revenues of \$124,042 have been received from interest, reimbursement of costs of disciplinary proceedings and prior fees and penalties, providing total Board revenue of \$1,849,937. Expenditures for FY 02-03 were \$1,886,363. The Board also collected and remitted an additional \$164,940 to the Supreme Court's Lawyer Assistance Program; and an additional \$156,150, totaling \$2.13 million since 1990, to the Court's Lawyers' Fund for Client Protection.

REGISTRATION INFORMATION <sup>m</sup>									DISCIPLINARY DISTRICTS <sup>l</sup>	DISCIPLINARY INFORMATION <sup>m</sup>													
General Population <sup>φ</sup>	Active Attorneys		Exempt Attorneys		Suspended Attorneys <sup>k</sup>		Total Attorneys			Number of Complaints	Disbarments		Suspensions		Public Censures		Private Reprimands		Private Admonitions		Disability Inactive		
	2003	2002	2003	2002	2003	2002	2003	2002		2003	2002	2003	2002	2003	2002	2003	2002	2003	2002	2003	2002		
744,097	865	849	72	67	45	39	982	955	I	107	91	0	0	2	0	1	2	2	5	7	8	0	0
374,382	438	429	46	45	19	21	503	495	II Excluding Knox Co.	52	59	0	0	1	0	1	1	3	3	6	4	0	0
389,327	1,600	1,581	139	126	70	65	1,809	1,772	II Knox County	89	101	0	0	3	1	0	0	6	4	6	14	0	0
302,532	246	252	25	19	7	6	278	277	III Excluding Hamilton Co.	14	27	0	0	0	0	0	0	0	1	0	1	0	0
309,321	1,039	1,023	79	76	40	40	1,158	1,139	III Hamilton County	36	58	0	0	0	1	3	0	2	7	2	3	0	1
801,130	898	878	100	92	40	39	1,038	1,009	IV	66	107	0	0	3	1	1	0	6	3	3	3	1	1
570,785	3,657	3,606	306	277	188	183	4,151	4,066	V Davidson County	187	230	0	2	3	4	3	3	7	7	8	5	0	0
789,562	1,268	1,220	117	112	69	66	1,454	1,398	VI	102	119	1	3	0	1	3	4	7	6	7	5	2	0
335,202	448	433	42	40	22	20	512	493	VII	55	59	0	0	1	2	1	0	1	2	5	3	0	1
275,273	239	236	25	23	13	13	277	272	VIII	26	26	0	0	0	0	0	0	0	0	2	2	0	0
905,678	3,026	3,006	291	272	226	215	3,543	3,493	IX Shelby County	224	270	1	3	4	3	6	3	10	11	33	32	0	1
	2,764	2,713	794	743	679	672	4,237	4,128	Out of State	25	24	1	1	0	0	0	0	1	1	2	2	0	0
5,797,289	16,488	16,226	2,036	1,892	1,418	1,379	19,942	19,497	--- TOTALS ---	983	1,171	3	9	17	13	19	13	45	50	81	82	3	4

**NOTES:**

<sup>φ</sup>U.S. Bureau of the Census, 2002 estimated County Population for Tennessee Counties.

<sup>k</sup>This total includes suspensions for: non-payment of fee (544), non-compliance with CLE (293), disciplinary actions (130) and multiple suspensions (451).

<sup>λ</sup>The 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.

<sup>μ</sup>Period for 2003 data is July 1, 2002 through June 30, 2003.  
Period for 2002 data is November 1, 2001 through October 30, 2002.

**NATURE OF COMPLAINTS:**

**2003 2002**

<b>TRUST VIOLATIONS:</b> Recordkeeping, Embezzlement, Conversion, Commingling	93	83
<b>CONFLICT OF INTEREST:</b> Personal, As Public Official, Appearance of Impropriety, Business with Clients, Multiple Representation	58	62
<b>NEGLECT:</b> Preparation, Failure to Communicate, File, Appear or Perform	318	401
<b>MISREPRESENTATION OR FRAUD:</b> False Documents, Attestation, Statements, Failure to Clarify	62	71
<b>RELATIONSHIP WITH CLIENT:</b> Limiting Liability, Discussing Confidence, Improper Withdrawal, Not Releasing Documents, Extortion, Harassment, Failure to Protect Client's Interest	305	391
<b>FEES:</b> Overreaching, Excessive, Splitting Fee with Non-Lawyer, Improper Division, Failure to Refund, Improper Fee	34	55
<b>IMPROPER COMMUNICATIONS:</b> Advertising, Solicitation, Trial Publicity, Contact with Witnesses, Officials, Jury, Opposing Party	79	80
<b>CRIMINAL CONVICTION:</b> Felony, Misdemeanor, Other	2	2
<b>PERSONAL BEHAVIOR:</b> Competence, Mental Disability, Aiding Unauthorized Practice, Ineffective Assistance	32	26
<b>OTHER:</b> Reciprocal Discipline, not available	0	0

**TOTAL FILES OPENED:** 983 1,171

**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):** 315 336

**TOTAL MATTERS RECEIVED:** 1,298 1,507