

TWENTY-SIXTH ANNUAL REPORT

November 1, 2001 thru October 31, 2002

The Board's *Consumer Assistance Program* (CAP), implemented in February, 2002, has proven to be an effective method to resolve consumer concerns without opening complaint files. The program is designed to quickly resolve concerns that do not rise to the level of serious ethical violations. During the past nine months, CAP has addressed 3,175 consumer concerns. The highest frequency of actions taken have been providing general information and 1,874 instances of informal mediation. The areas of practice receiving the most assistance are criminal, domestic, personal injury and bankruptcy. The program has also made 1,221 referrals to other organizations for assistance, including fee dispute committees, lawyer referral agencies, legal aid societies, or to disciplinary counsel when problems cannot be quickly resolved by mediation. The effective resolution of consumer concerns is reflected by a 16.1% decrease in disciplinary complaint files, as reported below.

The Board has received 32,280 complaints during the past twenty-six years, resulting in 141 disbarments, 333 suspensions, 368 public censures and 2,397 private reprimands or admonitions. There were 1,171 files opened during the past year. This is a decrease of 16.1% over the same period last year when 1,397 files were opened. 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 ethics opinion service, implemented in 1980 as a proactive program to prevent ethical misconduct, has resulted in 159 formal ethics opinions and 766 advisory opinions. Disciplinary Counsel has responded to 42,943 hotline phone inquiries from attorneys seeking ethical guidance, including 3,425 inquiries during the past year. Disciplinary Counsel also participated in 44 bar sponsored ethics seminars this year, attended by approximately 3,114 attorneys.

Attorneys are continuing to be proficient in the appropriate maintenance of trust accounts. There were 43 overdraft notices in 2002, the same number as 2001, 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 was implemented in 1997. Two hundred-seven attorneys have completed Board sponsored ethics workshops as an alternative to discipline (diversion), or in connection with discipline concurrently imposed.

Tennessee attorneys have contributed \$19.5 million in annual Court assessments to finance the Board's programs, with no contributions from other sources. In 2002, the annual attorney registration fees provided revenue of \$1,606,816. Additional revenues of \$96,981 have been received from interest, reimbursement of costs of disciplinary proceedings and prior fees and penalties, providing total Board revenue in 2002 of \$1,703,797. Expenditures for 2002 are projected to be \$1,970,000. The Board also collected and remitted an additional \$161,280 to the Supreme Court's Lawyer Assistance Program; and an additional \$152,660, totaling \$1.83 million since 1990, to the Court's Lawyers' Fund for Client Protection.

REGISTRATION INFORMATION									DISCIPLINARY DISTRICTS ^l	DISCIPLINARY INFORMATION ^m													
General Population ^o	Active Attorneys		Exempt Attorneys		Suspended Attorneys ^k		Total Attorneys			Number of Complaints		Disbarments		Suspensions		Public Censures		Private Reprimands		Private Admonitions		Disability Inactive	
	2001	2002	2001	2002	2001	2002	2001	2002		2001	2002	2001	2002	2001	2002	2001	2002	2001	2002	2001	2002	2001	2002
740,043	845	849	72	67	40	39	957	955	I	110	91	0	0	0	0	2	2	4	5	7	8	0	0
372,013	424	429	44	45	21	21	489	495	II Excluding Knox Co.	46	59	1	0	0	0	1	1	1	3	3	4	0	0
385,572	1,552	1,581	122	126	62	65	1,736	1,772	II Knox County	136	101	0	0	0	1	2	0	0	4	6	14	0	0
300,750	242	252	20	19	4	6	266	277	III Excluding Hamilton Co.	26	27	0	0	0	0	0	0	2	1	1	1	0	0
307,378	1,016	1,023	77	76	37	40	1,130	1,139	III Hamilton County	81	58	0	0	1	1	2	0	2	7	2	3	0	1
789,689	882	878	82	92	34	39	998	1,009	IV	103	107	1	0	2	1	1	0	5	3	1	3	0	1
565,352	3,553	3,606	279	277	172	183	4,004	4,066	V Davidson County	268	230	0	2	3	4	6	3	9	7	10	5	0	0
776,924	1,190	1,220	106	112	60	66	1,356	1,398	VI	97	119	0	3	1	1	2	4	2	6	5	5	0	0
332,100	415	433	37	40	18	20	470	493	VII	81	59	0	0	0	2	0	0	3	2	5	3	0	1
274,187	234	236	26	23	10	13	270	272	VIII	27	26	0	0	0	0	0	0	0	0	3	2	0	0
896,008	3,001	3,006	268	272	198	215	3,467	3,493	IX Shelby County	396	270	5	3	6	3	7	3	10	11	11	32	2	1
	2,604	2,713	747	743	598	672	3,949	4,128	Out of State	26	24	1	1	2	0	3	0	0	1	1	2	0	0
5,740,016	15,958	16,226	1,880	1,892	1,254	1,379	19,092	19,497	--- TOTALS ---	1,397	1,171	8	9	15	13	26	13	38	50	55	82	2	4

NOTES:

^oU.S. Bureau of the Census, 2001 estimated County Population for Tennessee Counties.

^kThis total includes suspensions for: non-payment of fee (540), non-compliance with CLE (263), disciplinary actions (153) and multiple suspensions (423).

^lThe 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.

^uTwelve month period from November 1 of previous year through October 31 of applicable year.

NATURE OF COMPLAINTS:

2001 2002

TRUST VIOLATIONS: Recordkeeping, Embezzlement, Conversion, Commingling	102	83
CONFLICT OF INTEREST: Personal, As Public Official, Appearance of Impropriety, Business with Clients, Multiple Representation	67	62
NEGLECT: Preparation, Failure to Communicate, File, Appear or Perform	579	401
MISREPRESENTATION OR FRAUD: False Documents, Attestation, Statements, Failure to Clarify	99	71
RELATIONSHIP WITH CLIENT: Limiting Liability, Discussing Confidence, Improper Withdrawal, Not Releasing Documents, Extortion, Harassment, Failure to Protect Client's Interest	357	391
FEES: Overreaching, Excessive, Splitting Fee with Non-Lawyer, Improper Division, Failure to Refund, Improper Fee	73	55
IMPROPER COMMUNICATIONS: Advertising, Solicitation, Trial Publicity, Contact with Witnesses, Officials, Jury, Opposing Party	100	80
CRIMINAL CONVICTION: Felony, Misdemeanor, Other	4	2
PERSONAL BEHAVIOR: Competence, Mental Disability, Aiding Unauthorized Practice, Ineffective Assistance	16	26
OTHER: Reciprocal Discipline, not available	0	0

TOTAL FILES OPENED: 1,397 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): 399 336

TOTAL MATTERS RECEIVED: 1,796 1,507