TENNESSEE TOWNSHIP

TWENTY-FIFTH ANNUAL REPORT

November 1, 2000 thru October 31, 2001

Tennessee ranks 16th in the number of public sanctions issued according to a nationwide American Bar Association survey of 56 disciplinary agencies. In addition, the recently released ABA survey for the year 1999 reveals that Tennessee ranks 22nd out of 56 in the number of complaints filed, 14th in the number of lawyers formally charged and 12th in the number of private sanctions. In the area of funding, Tennessee ranks 27th out of the 56 jurisdictions surveyed. The per capita rankings of 22nd in complaints filed, 14th in formal charges, 16th in public sanctions and 27th in funding confirms the performance audit of the State Comptroller, Division of Audit, in May, 2000 that the operations of the Board...are efficient, effective, and are achieving the results desired by the Tennessee Supreme Court.

Tennessee attorneys have contributed $17.9 million in annual Court assessments to finance the program, with no contributions from other sources. In 2001, the annual attorney registration fees provided revenue of $1,413,715. Additional revenues of $111,418 have been received from interest, reimbursement of costs of disciplinary proceedings and prior fees and penalties, providing total Board revenue in 2001 of $1,525,133. Expenditures for 2001 are projected to be $1,785,100. The Board also collected and remitted an additional $157,390 to the Supreme Court’s Lawyer Assistance Program; and an additional $148,690, totaling $1.68 million since 1990, to the Court’s Lawyers’ Fund for Client Protection.

The Board has received 30,773 complaints during the past twenty-five years, resulting in 132 disbarments, 320 suspensions, 355 public censures and 2,265 private reprimands or admonitions. There were 1,397 files opened during the past year. This is a decrease of 6.8% over the same period last year when 1,499 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 154 formal ethics opinions and 754 advisory opinions. Disciplinary Counsel have responded to 39,068 hotline phone inquiries from attorneys seeking ethical guidance, including 3,567 inquiries during the past year. Disciplinary Counsel also participated in 43 bar sponsored ethics seminars this year attended by approximately 3,325 attorneys.

Attorneys are continuing to become more proficient in the appropriate maintenance of trust accounts, as evidenced by a 85% decline in overdraft notices from 288 in 1995 to 43 in 2001. 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. One hundred eighty-five attorneys have completed Board sponsored ethics workshops as an alternative to discipline (diversion), or in connection with discipline concurrently imposed.
### REGISTRATION INFORMATION

<table>
<thead>
<tr>
<th>General Population</th>
<th>Active Attorneys</th>
<th>Exempt Attorneys</th>
<th>Suspended Attorneys</th>
<th>Total Attorneys</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td></td>
<td></td>
<td></td>
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</tr>
<tr>
<td>733,090</td>
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<td>72</td>
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<td>366,695</td>
<td>418</td>
<td>424</td>
<td>38</td>
<td>44</td>
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<td>382,032</td>
<td>1,510</td>
<td>1,552</td>
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<td>122</td>
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<tr>
<td>297,322</td>
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<td>242</td>
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<td>307,896</td>
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<tr>
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<td>882</td>
<td>85</td>
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<td>569,891</td>
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<td>3,553</td>
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<td>279</td>
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<tr>
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<td>1,190</td>
<td>109</td>
<td>106</td>
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<td>37</td>
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<td>273,431</td>
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<td>234</td>
<td>25</td>
<td>26</td>
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<td>897,472</td>
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<td>3,001</td>
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<td>268</td>
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<td>2,429</td>
<td>2,604</td>
<td>703</td>
<td>747</td>
<td>573</td>
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<td>5,689,283</td>
<td>15,485</td>
<td>15,958</td>
<td>1,858</td>
<td>1,880</td>
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</table>

**NOTES:**

2. This total includes suspensions for: non-payment of fee (625), non-compliance with CLE (169), disciplinary actions (162) and multiple suspensions (298).
3. The Disciplinary Districts contain the following counties pursuant to Rule 9(2):

   - **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 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.

4. Twelve month period from November 1 of previous year thru October 31 of applicable year.

### DISCIPLINARY INFORMATION

<table>
<thead>
<tr>
<th>DISCIPLINARY DISTRICTS</th>
<th>Number of Complaints</th>
<th>Discharges</th>
<th>Suspensions</th>
<th>Public Censures</th>
<th>Private Reprimands</th>
<th>Private Admonitions</th>
<th>Disability Inactive</th>
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<td>I</td>
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<tr>
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<tr>
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<tr>
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<td>26</td>
<td>1</td>
<td>1</td>
<td>1</td>
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<td>0</td>
</tr>
</tbody>
</table>

**TOTAL FILES OPENED:** 1,499 1,397

**TRUST VIOLATIONS:**
- Recordkeeping, Embezzlement, Conversion, Conmingling
  - **2000:** 97
  - **2001:** 102

**CONFLICT OF INTEREST:**
- Personal, As Public Official, Appearance of Impropriety, Business with Clients, Multiple Representation
  - **2000:** 60
  - **2001:** 67

**NEGLECT:**
- Preparation, Failure to Communicate, File, Appear or Perform
  - **2000:** 630
  - **2001:** 579

**MISREPRESENTATION OR FRAUD:**
- False Documents, Attestation, Statements, Failure to Clarify
  - **2000:** 106
  - **2001:** 99

**RELATIONSHIP WITH CLIENT:**
- Limiting Liability, Discussing Confidence, Improper Withdrawal, Not Releasing Documents, Extortion, Harassment, Failure to Protect Client's Interest
  - **2000:** 375
  - **2001:** 357

**FEES:**
- Overreaching, Excessive, Splitting Fee with Non-Lawyer, Improper Division, Failure to Refund, Improper Fee
  - **2000:** 61
  - **2001:** 73

**IMPROPER COMMUNICATIONS:**
- Advertising, Solicitation, Trial Publicity, Contact with Witnesses, Officials, Jury, Opposing Party
  - **2000:** 141
  - **2001:** 100

**CRIMINAL CONVICTION:**
- Felony, Misdemeanor, Other
  - **2000:** 5
  - **2001:** 4

**PERSONAL BEHAVIOR:**
- Competence, Mental Disability, Aiding Unauthorized Practice, Ineffective Assistance
  - **2000:** 20
  - **2001:** 16

**OTHER:**
- Reciprocal Discipline, not available
  - **2000:** 4
  - **2001:** 0

**TOTAL FILES RECEIVED:** 1,917 1,796

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): 418 392

TOTAL MATTERS RECEIVED: 1,917 1,796