TWENTY-FOURTH ANNUAL REPORT

November 1, 1999 thru October 31, 2000

A performance audit of the activities of the Board of Professional Responsibility was released in May 2000 by the Comptroller of The Treasury, Division of State Audit. Eighteen issues or objectives were identified by the Supreme Court for audit. The audit report concluded that the operations of the Board...are efficient, effective and are achieving the results desired by the Tennessee Supreme Court. In 1976, the Court designated its Board to assist in supervising the ethical conduct of attorneys. Since then, the program has broadened to include other facets: published ethics opinions, an ethics hotline, ethics seminars, an attorney trust account overdraft notification program and professional enhancement instruction. The program has helped assure a high level of ethical conduct by Tennessee attorneys.

Tennessee attorneys have contributed $16.5 million in annual Court assessments to finance the program, with no contributions from other sources. In 2000, 15,242 attorneys paid the annual registration fee, providing revenue of $1,371,780. Additional revenues of $95,505 have been received from interest, reimbursement of costs of disciplinary proceedings and prior fees and penalties, providing total Board revenue in 2000 of $1,467,285. Expenditures for 2000 are projected to be $1,475,300. The Board also collected and remitted an additional $152,810 to the Supreme Court’s Lawyer Assistance Program; and an additional $144,420, totaling $1.54 million since 1990, to the Court’s Lawyers’ Fund for Client Protection.

The Board has received 28,977 complaints during the past twenty-four years, resulting in 124 disbarments, 307 suspensions, 329 public censures and 2,172 private reprimands or admonitions. There were 1,499 files opened during the past year. This is a decrease of 0.33% over the same period last year when 1,504 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 152 formal ethics opinions and 731 advisory opinions. Disciplinary Counsel have responded to 35,501 hotline phone inquiries from attorneys seeking ethical guidance, including 3,632 inquiries during the past year. Disciplinary Counsel also participated in 42 bar sponsored ethics seminars this year attended by approximately 2,816 attorneys.

Attorneys are continuing to become more proficient in the appropriate maintenance of trust accounts, as evidenced by a 70.8% decline in overdraft notices from 288 in 1995 to 84 in 2000. The overdraft notice program was implemented in December 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 practice and professionalism enhancement program was implemented in 1997. One hundred sixty-four attorneys have completed the program as an alternative to discipline (diversion), or in connection with discipline concurrently imposed.

Four hundred sixty-five attorneys have been designated by the Court to implement the discipline program by serving as Board members or Hearing Committee members. The Board is also comprised of public members for an enhanced perspective of the professional responsibilities of the legal profession.
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 VIII - Weakley, Lake, Gibson, Haywood, Tipton, Obion, Dyer, Crockett and Lauderdale Counties.

District IX - Shelby County.

Notes:
- This total includes suspensions for: non-payment of fee (587), non-compliance with CLE (181), disciplinary actions (156) and multiple suspensions (300).
- The Disciplinary Districts contain the following counties pursuant to Rule 9(2):

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<thead>
<tr>
<th>REGISTRATION INFORMATION</th>
<th>DISCIPLINARY INFORMATION</th>
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<tbody>
<tr>
<td><strong>Active Attorneys</strong></td>
<td><strong>Number of Complaints</strong></td>
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<td>1999 2000</td>
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<tr>
<td><strong>Exempt Attorneys</strong></td>
<td><strong>Disbarments</strong></td>
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<td>1999 2000</td>
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<td><strong>Suspended Attorneys</strong></td>
<td><strong>Suspensions</strong></td>
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<td><strong>Total Attorneys</strong></td>
<td><strong>Public Censures</strong></td>
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<td>1999 2000</td>
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<td><strong>TOTAL MATTERS RECEIVED</strong>: 5,483,535</td>
<td><strong>TOTAL FILES OPENED</strong>: 1,504 1,499</td>
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Nature of Complaints:
- **Trust Violations**: Recordkeeping, Embezzlement, Conversion, Conm强有力ing
- **Conflict of Interest**: Personal, As Public Official, Appearance of Impropriety, Business with Clients, Multiple Representation
- **Neglect**: Preparation, Failure to Communicate, File, Appar or Perform
- **Misrepresentation or Fraud**: False Documents, Attestation, Statements, Failure to Clarify
- **Relationship With Client**: Limiting Liability, Discussing Confidence, Improper Withdrawal, Not Releasing Documents, Extortion, Harassment, Failure to Protect Client's Interest
- **Fees**: Overreaching, Excessive, Splitting Fee with Non-Lawyer, Improper Division, Failure to Refund, Improper Fee
- **Improper Communications**: Advertising, Solicitation, Trial Publicity, Contact with Witnesses, Officials, Jury, Opposing Party
- **Criminal Conviction**: Felony, Misdemeanor, Other
- **Personal Behavior**: Competence, Mental Disability, Aiding Unauthorized Practice, Ineffective Assistance

Disability Inactive

TOTAL FILES OPENED: 1,504 1,499

Frivolous Matters Administratively Dismissed
Pursuant to Rule 9(7.2)(c): 420 418

Total Matters Received: 1,924 1,917