

BOARD NOTES

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The dedicated staff and board members of the Tennessee Board of Professional Responsibility provide a vital public service as a part of our efforts to instill and maintain public confidence in our legal system. As a component of their efforts to educate lawyers, judges, and the public about the Rules of Professional Conduct and the lawyer discipline process in Tennessee, the Board provides this semi-annual newsletter to all judges and attorneys in our state. The Board and I hope that this edition of *Board Notes* will provide helpful information to you as we all strive to improve the administration of justice in our great state.



The Tennessee Board of Law Examiners: Admission to the State of Tennessee

**By Lisa Perlen, J.D., Executive Director
Tennessee Board of Law Examiners**

Since my last article for *Board Notes* in 2013, much has happened at the Tennessee Board of Law Examiners (TBLE) that will be of interest to an attorney who knows anyone seeking to gain admission by examination or without examination (Comity and In-House Counsel).

As discussed in the previous article, Tennessee has seen a dramatic increase in the number of In-House Counsel registrations and Comity applications. In 2013, 35 In-House Counsel applications and 162 Comity applications were submitted; in 2014, 38 In-House and 186 Comity; and through July 31, 2015, 18 In-House and 118 Comity.

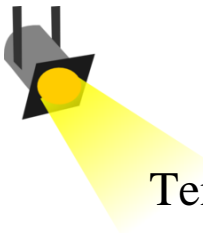
In-House Counsel registrations are governed by Tennessee Supreme Court Rule 7, § 10.01. The need to register is found in Tennessee Supreme Court Rule 7, Section 10.01 and Rule 8, RPC 5.5(d)(1) and Comment 17. In order to register as In-House Counsel, an applicant must be licensed and in good standing in at least one other U.S. state or territory or the District of Columbia. The application to register as In-House Counsel must be filed within 180 days of the registrant obtaining a position as In-House Counsel and having a continuous presence in the state. If the In-House Counsel fails to register within this time, the In-House Counsel is subject to professional discipline in this jurisdiction, is ineligible for Comity admission and *must be referred by the TBLE to the Board of Professional Responsibility and to the disciplinary authority of the jurisdictions of licensure.*

Admissions without examination (Comity) are covered by Rule 7, Article V. An applicant for Comity admission must have been engaged in the active practice of law pursuant to a license for at least five of the last seven years *and the application must be approved prior to the commencement of law business or employment as a lawyer in Tennessee.* Tennessee does not have a practice before admission rule for attorneys seeking admission without examination.

Tennessee Formal Ethics Opinion 2012-F-91(c) addressed the propriety of employment of an attorney admitted in another jurisdiction who has not yet been admitted in Tennessee and found that a non-resident lawyer who is admitted in another jurisdiction and applying for admission by Comity may not provide legal services in Tennessee other than services permitted by RPC 5.5(d).

Since 2013, the TBLE has received a significant number of applications that fall into one of the following patterns:

1. An In-House Counsel failed to register within the 180 days specified by the Rule. Some have delayed by many years.
2. An In-House Counsel submits an application for Comity admission within the 180 days i.e., after beginning work in Tennessee as an attorney.



Tennessee Board of Law Examiners

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3. A Comity applicant submits an application after beginning work as an attorney in Tennessee.

There are variations on all of these scenarios, but these three categories cover most of the issues. With categories 1 and 2, above, the In-House counsel, by failing to register, has triggered the mandatory TBLE reporting requirements to disciplinary authorities and is no longer eligible for admission by Comity. With categories 2 and 3, the applicant is submitting an application after employment as a lawyer in Tennessee begins. In these instances, the TBLE denies the application and the applicant's only recourse for admission is by examination. A Show Cause hearing on Character and Fitness may follow for any subsequent application because of the Applicant's failure to follow the Rules.

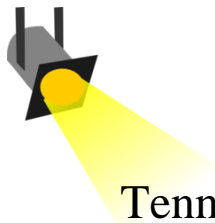
Currently pending before the Supreme Court are amendments to Rules 7 and 8 to fix the language that makes it impractical for attorneys to move to Tennessee to practice law due to deadline and application requirements. Comment 17 to Rule 8, RPC 5.5 is being moved to the body of RPC 5.5 so that attorneys who meet the requirements of RPC 5.5(d)(1) know that there is a registration requirement without having to search the comments. Further, Rule 7 will include a new provision that allows an attorney licensed in another jurisdiction who has submitted an application for admission by examination or Comity to practice in a limited manner with supervision until the application is approved. Lastly, a "safe harbor" provision has been included in the proposed amendments to Rule 7 that would allow In House Counsel who have not registered or attorneys with pending applications that do not meet the current requirements to move forward with registration and application without consequence for 180 days after adoption of the amendments should the Supreme Court approve the amendments. Please check the TBLE website at www.tnble.org for updates on the status of the amendments to the Rules.

A significant part of the work of the TBLE is to protect the public welfare by ensuring that lawyers licensed and practicing in Tennessee meet a threshold of knowledge, ability, character and fitness before admission to the bar. Failure to require standards for bar admission would subject the public to harm through ineptitude and malfeasance. The applicable standard of review for Character and Fitness is found in Rule 7, § 6.01(a):

An applicant shall not be admitted if in the judgment of the Board there is reasonable doubt as to that applicant's honesty, respect for the rights of others, and adherence to and obedience to the Constitution and laws of the State and Nation as to justify the conclusion that such an applicant is not likely to adhere to the duties and standards of conduct imposed on attorneys in this State.

Since 2014, the TBLE has conducted more than 60 Character and Fitness hearings for failure to disclose arrests or failure to answer questions with candor, academic integrity infractions in law school, plagiarism, cheating on the Bar examination, and continued patterns of substance abuse. Several applicants lied to the Board during the hearings, further complicating matters. As a result, four applicants were denied admission, two agreed to withdraw their applications and to not reapply for three years, and fourteen entered into monitoring agreements with the Tennessee Lawyers' Assistance Program.

It is important for attorneys who might be advising an applicant completing the application for admission or representing an applicant before the TBLE at a Show Cause hearing to understand that full disclosure, even



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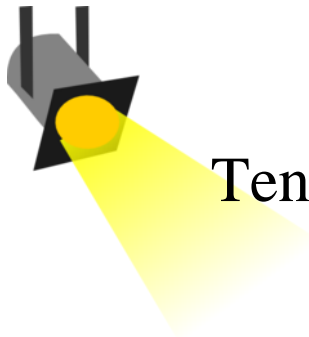
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of expunged records¹, and compliance with requests to contact TLAP are in the best interest of the applicant and speed the licensing process. Failure of an applicant to be candid and forthcoming will delay that applicant's license. The TBLE looks for remorse and a positive progression of an applicant's character. "Youthful indiscretions" alone will not necessarily result in denial of licensing but are a window to evolution of character for a determination of whether the applicant will meet the duties and standards of conduct imposed on attorneys in this State.

For more information on the Tennessee Board of Law Examiners, please contact:

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BLE.Administrator@tncourts.gov
www.tnble.org

¹ See *State v. Schindler*, 986 S.W.2d 209 (1999) at 211-12 – evidence of criminal acts preceding the arrest are admissible as evidence of prior bad acts or evidence of social history even if expungement is later obtained; and *Rodney Howard Wright v. Tennessee Peace Officer Standards and Training Commission*, No. M2006-00123-COA-R3-CV (2008) that the crucial distinction is between the criminal acts themselves and the *legal status* that results from the legal proceedings precipitated by the criminal act.



Tennessee Lawyers Assistance Program: “Take a Walk”

**By Laura McClendon., Executive Director
Tennessee Lawyers Assistance Program**

I have procrastinated writing this article for weeks, mainly because I’m exhausted by both suggested topics: “Attorney Wellness & Stress Management” vs. “Suicide in the Legal Profession.” I’m not sure which subject I want to talk about less. Attorney wellness? Be honest, how many of you stop reading as soon as you see the word in the heading? Attorney suicide? You’re even less likely to read it. I know that every time I receive a request to speak on the subject, I am re-traumatized by the memories of those I’ve lost to suicide through the years, both personally and professionally. I initially react like I’ve just been asked to trudge through sand, in the dark, with fog rolling in. I have to take a deep breath and prepare to hurt.

We’re going to cover both topics, and, in order to get it over with, we’ll start with suicide. According to a recent CNN article, lawyers are 3.6 times more likely to suffer from depression than non-lawyers. Subsequently, research shows that lawyers—out of 105 professions surveyed—have one of the highest rates of suicide. In Tennessee alone, there have been eight attorney suicides within the past six months. These are proven stats, but the “whys?” of which are debatable.

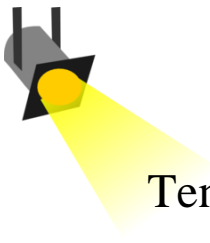
Members of the legal profession are inherently reluctant to ask for help so the machinations of their brains remain relatively uncharted. After a suicide, we conduct a psychological “suicide autopsy” in which we attempt to piece together their stories, excerpts of which I will share below. The only real name used is Chancellor Carr, whose death rocked the foundation of legal professionals across the state.

Martin: Talented criminal defense attorney with a long history of addiction. He was arrested for threatening to assault his girlfriend, a notoriously turbulent relationship founded in chaos. Courts intervened. More arrests followed. Positive drug screens occurred, and the BPR got involved. The thought of losing his law license proved too much. He hung himself in his apartment.

Betty: Partner in prestigious law firm. Struggled with the shame of childhood abuse. Long history of depression and previous suicide attempts. A few weeks before she killed herself, she seemed better...happier... lighter. She called several of her friends to thank them for everything they’d done for her and told them that she was leaving for a much needed vacation. When she didn’t return, someone went to her house and found her in the bathtub – a bullet in her heart. Her items were packed and labeled; her funeral arranged and pre-paid.

Chancellor Carr: He was sworn into office only a few months before he put a gun to his head. He was found in his car in the parking lot of the Memphis Country Club. No one saw it coming. On the surface he seemed to have it all: success, money, family, career. But what he didn’t have was hope. No one will know the depths of Chancellor Carr’s depression because he covered it so well.

These stories are a tip of the iceberg. They stun us and make us want to look away. The word suicide trips on our tongues, and we start to create different stories. We label their deaths “heart attacks” and “accidents” because suicide is too repulsive. We focus on why we are different, healthier, more invested in life. Eventually we stop remembering.



Tennessee Lawyers Assistance Program: “Take a Walk”

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So what do we do about this epidemic? Interestingly enough, suicide prevention nestles quietly in the topic of wellness.

The Oxford English Dictionary traces wellness (meaning the opposite of illness) to the 1650s, but the “wellness” movement actually began in the 1950’s and exploded in the 21st century. Insurance companies, corporations, and professions latched onto the word and began to drill it into our heads. And then they patted themselves on the backs in satisfaction.

I stifle a yawn when I think about the typical wellness presentation. Wellness is used interchangeably with life balance and necessitates the discussion of diet, sleep, exercise, family, hobbies, spirituality. We love to show a picture of the scales of justice with life on one side and work on the other. We take quizzes that suggest things we might want to do in order to be healthier. Some insurance companies assign coaches who offer encouraging tidbits about how to make smoothies and will tell you to take a walk for just 30 minutes every day.

Raise your hand if you didn’t already know what you need to do to lose weight and get in shape. Did you also know that you should go to bed earlier and try to get eight hours of sleep? Can it really be that simple?

When I was diagnosed with Stage III aggressive breast cancer a couple of years ago, the dynamics of my life tilted and spilled. But that unforeseeable plunge gracefully landed me on a profoundly trite but true revelation: wellness actually is simple. Being human is complicated.

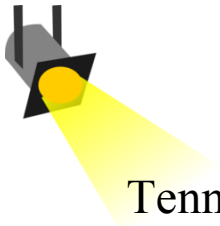
I am in a helping profession—I don’t ask for help. One of the things that I hated most about being sick is that I felt needy and vulnerable. Initially I wanted to keep it a secret so that I could maintain the façade of having it all together. Expecting commiseration, I whined to a friend of mine who had been through a similar situation, and he said “Laura, sometimes you have to suck it up and let people support you.”

I sucked it up. People brought food, sent cards, followed me on my “CaringBridge” blog, posted encouraging messages, and mailed thoughtful gifts. I was nurtured and hugged. Friends on the periphery of my life stepped out of the shadows and brought me love and light. Instead of it feeling weak and helpless, I felt hopeful and at peace. I let people help me. Instead of the lowest time of my life, it became a year of strength.

Most religious leaders, theorists and philosophers say that it is better to give than receive, and I am a giver by trade. But I discovered that it is just as necessary to receive in order to truly give. I needed help; I asked for help; I received help. In turn, those that gave me help were emotionally rewarded. Their help made me stronger, made them stronger, and ultimately made my ability to help others stronger. Simple but complicated. Wellness can be obtained by helping others.

So do you want to commit to wellness? Give a hand to someone who is struggling and can’t ask for help. Despair and hopelessness dissipate when we fully engage in the gift of human interaction. We all have something to give.

If you don’t know what you have to offer or where to start, call TLAP. We have many individuals that could benefit from a cup of coffee with a non-judgmental listener. If you listen closely, that individual may open



Tennessee Lawyers Assistance Program: “Take a Walk” *(continued from the previous page)*

up to you, and you’ll walk away feeling strangely uplifted. And maybe, just maybe, you’ll give hope to someone who couldn’t see a light at the end of the tunnel. And maybe, just maybe, it’ll prevent them from seeing suicide as a solution. It may sound oversimplified, but if enough of us do this, it’s bound to ripple through the entire legal profession.

Yes, taking a walk will increase your level of wellness. But taking someone with you on that walk may save a life.

Laura McClendon, Executive Director, Tennessee Lawyers Assistance Program (TLAP)

TLAP is a free, confidential assistance program providing consultation, referral, intervention, and crisis counseling for lawyers, judges, bar applicants and law students who are struggling with substance abuse, stress or emotional health issues. Visit www.tlap.org to learn more about TLAP, make an anonymous referral, request an appointment, become a volunteer, or make a donation to the Cain Fund.

For additional resources about suicide, visit TLAP’s page at: <http://www.tlap.org/suicide-warning-signs> or The National Suicide Prevention Hotline: <http://www.suicidepreventionlifeline.org/>

Board of Professional Responsibility

Ethics Workshop

The Board of Professional Responsibility's annual Ethics Workshop will be held November 6, 2015, at the Nashville School of Law. Featured topics at the workshop include ethics in family law; an attorney's competent use of technology; ethics regarding social media; criminal law issues; everyday ethical dilemmas; and Tennessee Lawyers' Assistance Program (TLAP). The non-refundable registration fee for 6.0 hours of dual CLE credit is \$100.00 in addition to a \$6.95 processing fee. Speakers include Marissa Moses Russ; Virginia Connell; William Ramsey; Ed Yarbrough; Brian Faughnan; Ted Rice; Laura Chastain; Krisann Hodges; Eileen Burkhalter Smith and Sandy Garrett. Attorneys interested in attending this year's workshop may register at the Board's website at www.tbpr.org.



New Ethics Counsel

Laura Chastain

The Board of Professional Responsibility is pleased to announce the appointment of Laura Chastain as the Board's new Ethics Counsel. Previously, Laura was Deputy Chief Disciplinary Counsel with the Board of Professional Responsibility for 17 years. After she left the Board in 2007, she continued to serve the Board in a volunteer capacity as a Hearing Committee Member. Laura is a frequent speaker at Continuing Legal Education seminars and has been teaching Ethics and Professionalism at the Nashville School of Law since 2003. She previously served as past President of the National Organization of Bar Counsel and Liaison to the ABA Commission on Lawyer Assistance Programs. For informal ethical guidance and opinions, contact the Board at 1-800-486-5714 and at www.tbpr.org.



Laura Chastain

The Board Remembers Francis Guess

(Reprinted by permission from www.tncourts.gov/news; July 25, 2015)

Francis Guess, a Nashville community leader who served the legal profession in many ways, died July 24, 2015 in Nashville.

Mr. Guess served on the Board of Professional Responsibility from 2012-2014, and on the Tennessee Supreme Court's Access to Justice Commission. As a non-lawyer, he provided a distinctive viewpoint to issues that faced the legal community.

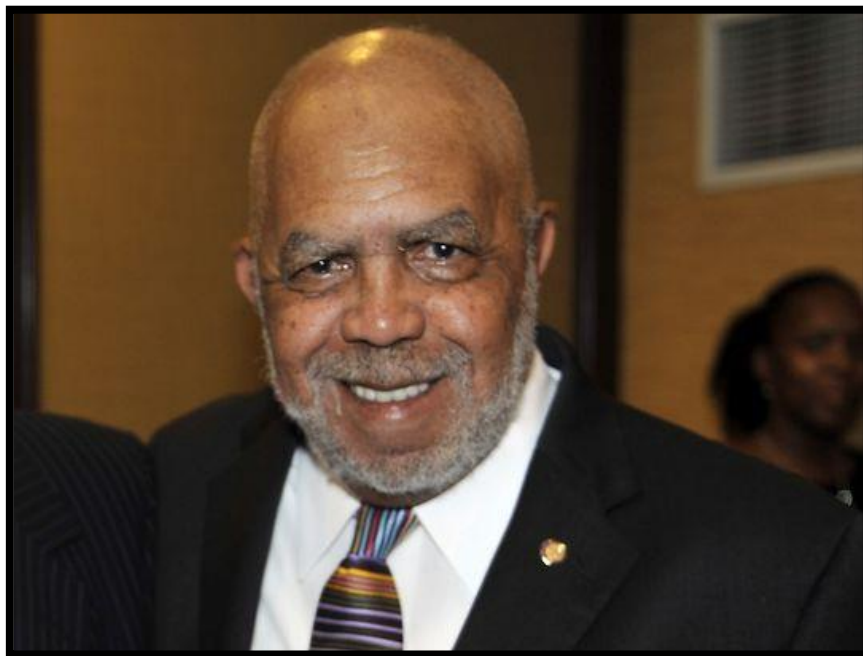
"His insight, passion and service to the justice system will long be remembered," said Board Chief Disciplinary Counsel Sandy Garrett.

"Francis Guess brought a unique and unwavering voice in issues of justice," said Chief Justice Sharon Lee. "His service to the professional and advocacy of issues important to those in need of legal assistance will always be remembered."

Access to Justice Commission Chair Doug Blaze served on the commission while Mr. Guess was a member from 2009-2014.

"Francis brought an excellent perspective to the Access to Justice Commission. His insights regarding self-represented litigants and how to best get the word out about the Commission's initiatives was invaluable to our mission," Blaze said.

Mr. Guess also served on the boards of the Nashville Minority Business Development Fund; Country Music Hall of Fame and Museum Board of Officers and Directors.



Francis Guess
1945 - 2015

Formal Ethics Opinion

2015-F-159

Issued September 11, 2015

by the Board of Professional Responsibility

QUESTION:

May an attorney ethically store confidential client information or material in “the cloud”?



CONCLUSION:

A lawyer may use cloud-based services with regard to confidential client information. In using cloud-based services, a lawyer must use reasonable care to assure that client confidentiality is protected and client property is safeguarded. *See*, RPC 1.6(a) and 1.9(c). A lawyer must comply with his or her duty of competence in the selection and continued use of the providers of cloud-based services. *See*, RPC 1.1. A lawyer must use “reasonable efforts” to ensure that the conduct of providers of cloud-based services is compatible with ethical obligations of the lawyer, and, if the lawyer is a partner or otherwise has managerial authority in a law firm, the lawyer must use “reasonable efforts” to make sure that the firm has measures in place to assure that providers of cloud-based services engage in conduct compatible with ethical obligations of the lawyer. *See*, RPC 5.3(a) & (b).

A copy of this Opinion is attached.

BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE

FORMAL ETHICS OPINION 2015-F-159

May an attorney ethically store confidential client information or material in “the cloud”?

OPINION

A lawyer may ethically allow confidential client information to be stored in “the cloud” if the lawyer takes reasonable care to assure that: (1) all such information or materials remain confidential; and (2) reasonable safeguards are employed to ensure that the information is protected from breaches, loss, and other risks. Due to rapidly changing technology, the Board doesn’t attempt to establish a standard of care, but instead offers guidance from other jurisdictions.

DISCUSSION

Technological advances have changed the way lawyers and law firms may store, retrieve and access client information. An inquiry has been made regarding whether a lawyer can ethically store confidential client files and information in “the cloud”.

Cloud computing is technology which allows a lawyer to store and access software or data through the cloud—a remote location which is not controlled by the lawyer but by a third party which provides the storage or other computing services. It is the use of a network of remote servers, hardware and/or software to store, manage, transmit, process and/or retrieve data off the lawyer’s premises, rather than on a server or personal computer on the lawyer’s premises.

The services, which may be long-term storage of confidential client information or shorter-term storage or services to enable data processing or web-based email, are typically purchased from a provider on a subscription fee basis. The service provider assumes the responsibility for new technology and software updates. The lawyer’s computing device is simply a way of accessing the information stored in the cloud from any location with Internet access.¹

¹ Ala. Ethics Op. 2010-02 (2010); Alaska Ethics Op. 2014-3 (2014); Ariz. Ethics Op. 09-04 (2009); Cal. Ethics Op. 2010-179 (2010); Conn. Informal Op. 2013-07 (2013); Fla. Ethics Op. 12-3 (2012); Iowa Ethics Op. 11-01 (2011); Ky. Ethics Op. E-437 (2014); Me. Ethics Op. 207 (2013); Mass. Ethics Op. 12-03 (2012); N.H. Adv. Ethics Op. 2012-13/4 (2013); N.Y. Ethics Op. 842 (2010); Nev. Ethics Op. 33 (2006); N. C. 2011 Formal Op. 6 (2012); Ohio Informal Ethics Op. 2013-13 (2013); Or. Ethics Op. 2011-188 (2011); Penn. Formal Ethics Op. 2011-200 (undated); Va. Legal Ethics Op. 1872 (2013); Wash. Advisory Op 2215 (2012).

Because cloud computing places data, including client data, on remote servers outside of the lawyer's direct control, it has given rise to some concerns regarding its acceptability under applicable ethics rules. See "Cloud Ethics Opinions Around the U.S.," American Bar Association, Legal Technology Resource Center. This summary lists the standard of "reasonable care" with regard to the lawyer's use of cloud technology from all states supporting the use of cloud storage.

Due to the fact that technology is constantly evolving, this opinion only provides lawyers with guidance in the exercise of reasonable care and judgement regarding the lawyer's use of cloud technology in compliance with the rules of professional conduct, rather than mandating specific practices regarding the use of such technology. Ky. Ethics Op. E-437 (2014); Penn. Formal Ethics Op. 2011-200 (undated); Vt. Ethics Op. 2010-6 (2010).

Although cloud computing offers increased mobility and accessibility to client information, the placement of a service provider between the lawyer and confidential client information for which the lawyer is responsible adds a layer of risk and loss of direct control by the lawyer over the stored or transmitted information. N.H. Adv. Ethics Op. 2012-13/4 (2013). A lawyer owes the same ethical duties, obligations and protections to clients with respect to information for which they employ cloud computing as they otherwise owe clients pursuant to the Rules of Professional Conduct with respect to information in whatever form. Me. Ethics Op. 207 (2013); Ohio Informal Ethics Op. 2013-13 (2013); Penn. Formal Ethics Op. 2011-200 (undated).

Often, in house counsel has no input with regard to the technology used by the corporation, but owes the duty of communication with the corporate client regarding the risks and benefits of cloud storage. Comment 3 to RPC 1.13² states that when constituents of the organization make decisions for it, the decisions ordinarily must be accepted by the lawyer even if their utility or prudence is doubtful. Decisions concerning policy and operations, including ones entailing serious risk, are not as such in the lawyer's province.

Use of the technology is ethically proper if the lawyer abides by the Rules of Professional Conduct: to act competently, RPC 1.1³, to take reasonable measures to protect the confidentiality, security,

² Comment [3], to RPC 1.13 provides:

When constituents of the organization make decisions for it, the decisions ordinarily must be accepted by the lawyer even if their utility or prudence is doubtful. Decisions concerning policy and operations, including ones entailing serious risk, are not as such in the lawyer's province. Paragraph (b) makes clear, however, that when the lawyer knows that the organization is likely to be substantially injured by action of an officer or other constituent that violates a legal obligation to the organization or is in violation of law that might be imputed to the organization, the lawyer must proceed as is reasonably necessary in the best interest of the organization. As defined in RPC 1.0(f), knowledge can be inferred from circumstances, and a lawyer cannot ignore the obvious.

³ RPC 1.1 Competence, provides:

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

and accessibility of client information stored and transmitted through the cloud, RPC 1.6^{4,5,6} and 1.9(c)⁷; by competently choosing the provider of the cloud services.

The lawyer is not required by the rules to use infallible methods of protection. “When transmitting a communication that includes information relating to the representation of a client, the lawyer must take reasonable precautions to prevent the information from coming into the hands of unintended recipients. This duty, however, does not require that the lawyer use special security measures if the method of communication affords a reasonable expectation of privacy...” RPC 1.6, cmt. [16]⁶. “...Rather, the lawyer must use reasonable care to select a mode of communication that, in light of the circumstances, will best protect confidential client information and the lawyer must advise affected parties if there is reason to believe that the chosen communications technology presents an unreasonable risk to confidentiality.” Me. Ethics Op. 207 (2013); N. C. 2011 Formal Ethics Op. 6 (2012). “Special circumstances, however, may warrant special precautions.” RPC 1.6, cmt. [16]⁶. What safeguards are appropriate depends upon the nature and sensitivity of the data. Alaska Ethics Op. 2014-3 (2014).

⁴ Rule 1.6 (a): Confidentiality of Information provides:

(a) A lawyer shall not reveal information relating to the representation of a client unless:

- (1) the client gives informed consent;
- (2) the disclosure is impliedly authorized in order to carry out the representation; or
- (3) the disclosure is permitted by paragraph (b) or required by paragraph (c).

⁵ Comment [15], Acting Competently to Preserve Confidentiality, to RPC 1.6 provides:

[15] A lawyer must act competently to safeguard information relating to the representation of a client against inadvertent or unauthorized disclosure by the lawyer or other persons who are participating in the representation of the client or who are subject to the lawyer's supervision. See RPCs 1.1, 5.1, and 5.3.

⁶ Comment [16], to RPC 1.6 provides:

[16] When transmitting a communication that includes information relating to the representation of a client, the lawyer must take reasonable precautions to prevent the information from coming into the hands of unintended recipients. This duty, however, does not require that the lawyer use special security measures if the method of communication affords a reasonable expectation of privacy. Special circumstances, however, may warrant special precautions. Factors to be considered in determining the reasonableness of the lawyer's expectation of confidentiality include the sensitivity of the information and the extent to which the privacy of the communication is protected by law or by a confidentiality agreement. A client may require the lawyer to implement special security measures not required by this Rule or may give informed consent to the use of a means of communication that would otherwise be prohibited by this Rule.

⁷ Rule 1.9: Duties to Former Clients, provides in part:

(c) A lawyer who has formerly represented a client in a matter or whose present or former firm has formerly represented a client in a matter shall not thereafter reveal information relating to the representation or use such information to the disadvantage of the former client unless (1) the former client gives informed consent, confirmed in writing, or (2) these Rules would permit or require the lawyer to do so with respect to a client, or (3) the information has become generally known.

Fla. Ethics Op. 12-3 (2012) states that lawyers should “consider whether the lawyer should use the outside service provider or use additional security in specific matters in which the lawyer has proprietary client information or has other particularly sensitive information.”

The duties of competence³ and confidentiality^{4, 5, 6} owed to the client by the lawyer are ongoing and are not delegable^{8, 9, 10}. While competence does not require a lawyer to become an expert in data storage, it does require that the lawyer remain aware of how and where data are stored and what the provider service agreement says. Alaska Ethics Op. 2014-3 (2014).

The American Bar Association Model Rule of Professional Conduct 1.1¹¹, which is identical in its wording to Rule 1.1 of the Tennessee Rules of Professional Conduct, has amended its Model Rule Comment on maintaining competence to include keeping abreast of changes “including the benefits and risks associated with relevant technology”. Otherwise the comment is the same as the Tennessee version of the comment on maintaining competence.

Because the delegation of file storage to a provider of cloud computing services adds a layer between the lawyer and confidential client information over which the lawyer has responsibility, competence also requires that the lawyer ensure that tasks are delegated to competent service providers which the lawyer has selected after investigating the qualifications, competence, and

⁸ Rule 5.1: Responsibilities of Partners, Managers, and Supervisory Lawyers, provides in part:

(a) A partner in a law firm, and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm, shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that all lawyers in the firm conform to the Rules of Professional Conduct.

⁹ Rule 5.3: Responsibilities Regarding Nonlawyer Assistants, provides:

With respect to a nonlawyer employed, retained by, or associated with a lawyer:

(a) a partner and a lawyer who individually or together with other lawyers possesses comparable managerial authority in a law firm shall make reasonable efforts to ensure that the firm has in effect measures giving reasonable assurance that the nonlawyer’s conduct is compatible with these Rules;

(b) a lawyer having direct supervisory authority over a nonlawyer shall make reasonable efforts to ensure that the person’s conduct is compatible with these Rules;

¹⁰ Comment [1] to RPC 5.3 provides:

[1] Lawyers generally employ nonlawyer assistants in their practice, including secretaries, investigators, law student interns, and paraprofessionals. Such assistants, whether employees or independent contractors, act for the lawyer in rendition of the lawyer’s professional services. A lawyer must give such assistants appropriate instruction and supervision concerning the ethical aspects of their employment, particularly regarding the obligation not to disclose information relating to representation of the client, and should be responsible for their work product. The measures employed in supervising nonlawyer assistants should take account of the fact that they do not have legal training and are not subject to professional discipline.

¹¹ Maintaining Competence [8] To maintain the requisite knowledge and skill, a lawyer should keep abreast of changes in the law and its practice, including the benefits and risks associated with relevant technology, engage in continuing study and education and comply with all continuing legal education requirements to which the lawyer is subject. Underlining added.

diligence of the provider to ensure that client information is reasonably likely to remain confidential and secure through storage and retrieval. Ky. Ethics Op. E-437 (2014). The primary obligation is to select a reliable provider under the circumstances. In making this selection, the lawyer should consider the provider's ability to protect the information, to limit authorized access only to necessary personnel and to ensure that the information is backed up, is reasonably available to the lawyer and is reasonably safe from unauthorized intrusion. Alaska Ethics Op. 2014-3 (2014); Penn. Formal Ethics Op. 2011-200 (undated).

Suggested guidelines in helping lawyers competently choose the provider of the cloud services with the Rules of Professional Conduct are set forth in the following opinions:¹²

Ala. Ethics Op. 2010-02 (2010) concludes "that a lawyer may use "cloud computing" or third-party providers to store client data provided that the attorney exercises reasonable care in doing so." The Commission defined "reasonable care" as requiring the lawyer to:

1. Learn how the provider would handle the storage and security of the data;
2. reasonably ensure that the provider abides by a confidentiality agreement in handling the data; and
3. stay abreast of appropriate safeguards that should be employed by both the lawyer and the third party.

N. C. 2011 Formal Ethics Op. 6 (2012) and Me. Ethics Op. 207 (2013) suggest that in dealing with providers of cloud computing services or hardware, lawyers should adopt additional safeguards made relevant by the Rules of Professional Conduct, such as:

1. An agreement between the cloud service provider and the lawyer or law firm that the provider will handle confidential client information in keeping with the lawyer's professional responsibilities.
2. If the lawyer terminates use of the cloud computing services or product, the provider goes out of business, or the service otherwise has a break in continuity, the law firm will have a method for retrieving the data, the data will be available in a non-proprietary format that the law firm can access, or the firm will have access to the vendor's software or source code.
3. Careful review of the terms of the law firm's user or license agreements with the provider, including the security policy.
4. Evaluation of the cloud provider's (or any third party data hosting company's) measures for safeguarding the security and confidentiality of stored data.

¹² The Board is not adopting these opinions, but they are set forth as guidance to consider.

Pa. Formal Ethics Op. 2011-200 (undated), Maine Ethics Op. 207 (2013), N.H. Advisory Ethics Op. 2012-13/4 (2013) and Ohio Informal Ethics Op. 2013-13 (2013) listed issues which lawyers should consider before using a cloud computing service, including that the service provider:

- will notify the lawyer if requested to produce data to a third party, and provide the lawyer with the ability to respond to the request before the provider produces the requested information;
- has procedures to respond to government or judicial attempts to obtain disclosure of client data;

Lawyers also need to have internal policies and procedures to aid in complying with the Rules of Professional Conduct with regard to cloud computing. Penn. Formal Ethics Op. 2011-200 (undated) and Me. Ethics Op. 207 (2013) list internal policies and procedures that lawyers should adopt in connection with cloud usage such as:

1. backing up data to allow the firm to restore data that has been lost, corrupted, or accidentally deleted;
2. educating and training employees of the firm who use cloud computing to abide by all end user security measures, including, but not limited to, the creation and regular replacement of passwords.

CONCLUSION

A lawyer may use cloud-based services with regard to confidential client information. In using cloud-based services, a lawyer must use reasonable care to assure that client confidentiality is protected and client property is safeguarded. *See*, RPC 1.6(a) and 1.9(c). A lawyer must comply with his or her duty of competence in the selection and continued use of the providers of cloud-based services. *See*, RPC 1.1. A lawyer must use “reasonable efforts” to ensure that the conduct of providers of cloud-based services is compatible with ethical obligations of the lawyer, and, if the lawyer is a partner or otherwise has managerial authority in a law firm, the lawyer must use “reasonable efforts” to make sure that the firm has measures in place to assure that providers of cloud-based services engage in conduct compatible with ethical obligations of the lawyer. *See*, RPC 5.3(a) & (b).

This 11th day of September, 2015.

ETHICS COMMITTEE:

Wade Davies

H. Scott Reams

Michael Callaway

APPROVED AND ADOPTED BY THE BOARD



The Supreme Court Revises Rules and Attorneys Respond with Donations

Effective July 1, 2015, in response to a petition filed by the Access to Justice Commission concerning attorneys' pro bono work, the Tennessee Supreme Court entered an Order, amending Tenn. Sup. Ct. R. 9, Sections 10.10 and 10.2. New Rule 9, Section 10.2(d) provides, "...every attorney shall have the opportunity to make a financial contribution to support access-to-justice programs. Funds raised through optional contributions will be distributed to access-to-justice programs which provide direct legal services to low income Tennesseans." Rule 9, Section 10.10(b) was amended as follows: "In reporting the extent of the attorney's pro bono legal services and activities, the attorney is requested to state whether or not the attorney made any voluntary financial contributions pursuant to RPC 6.1(c), but the attorney need not disclose the amount of any such contribution. Since implementation through September 15, 2015, four-hundred and forty-seven attorneys (447) have donated \$20,919 to access to justice programs.

Disciplinary Actions

- (January 2015 – September 2015)
-

DISBARMENTS

Kent Lowery Booher (Roane County)

On January 15, 2015, Kent Lowery Booher, of Harriman, Tennessee, was disbarred by Order of the Tennessee Supreme Court, effective immediately.

The Tennessee Supreme Court suspended Mr. Booher on October 7, 2014 pursuant to Tennessee Supreme Court Rule 9, Section 22, based upon of his conviction of statutory rape in violation of T.C.A. 39-13-506. The Board of Professional Responsibility instituted a formal proceeding to determine the extent of final discipline to be imposed. Mr. Booher entered a conditional guilty plea agreeing to a sanction of disbarment. Mr. Booher's actions violated Rules of Professional Conduct 8.4(a), (b) and (d), Misconduct.

Hal Wilkes Wilkins (Davidson County)

On January 28, 2015, Hal Wilkes Wilkins, of Nashville, Tennessee, was disbarred from the practice of law by Order of the Tennessee Supreme Court. Mr. Wilkins was previously disbarred in another case on July 22, 2014. Mr. Wilkins was ordered to pay restitution to a former client, or to the Lawyer's Fund for Client Protection, if appropriate, in the amount of \$17,990.00. Finally, Mr. Wilkins must pay the Board's costs and expenses.

A Petition for Discipline was filed on July 3, 2014, that included three (3) complaints of misconduct. In one case, Mr. Wilkins informed his client that he had reached a settlement, but ceased communicating with the client thereafter. His client retained another lawyer to complete the settlement on her behalf. In another case, Mr. Wilkins agreed to represent his client on a contingency fee basis and did not enter into a written fee agreement. After he filed the complaint, he ceased communicating with the client. In the third case, Mr. Wilkins settled a personal injury case on behalf of his client in the amount of \$30,000.00. He tendered a check to his client in the amount of \$12,100.00, and told her that he would use the remainder to pay her medical bills and his fee. He did not provide his client with a settlement sheet and failed to pay the subrogation claims. In all three cases, Mr. Wilkins abandoned his clients and did not inform them that he had been temporarily suspended from the practice of law on December 2, 2013.

Mr. Wilkins' actions violated RPC 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.15 (safekeeping property), 1.16(d) (declining or terminating representation), and 8.1(b) (bar admission and disciplinary matters). By failing to notify his client, opposing counsel and the court of his temporary suspension, Mr. Wilkins violated Tennessee Supreme Court Rule 9, Section 18 (2006). Mr. Wilkins must comply with the requirements of Tennessee Supreme Court Rule 9, Section 18 (2006) and Tennessee Supreme Court Rule 9, Section 30.4 (2014), regarding the obligations and responsibilities of disbarred attorneys.

DISBARMENTS (continued)

Edward T. Farmer (Rutherford County)

On March 3, 2015, the Supreme Court of Tennessee disbarred Edward T. Farmer of Rutherford County, Tennessee. Pursuant to Tennessee Supreme Court Rule 9, Section 28, Mr. Farmer's disbarment is effective immediately.

Mr. Farmer consented to disbarment because he could not successfully defend himself against allegations of ethical misconduct arising from criminal charges in the matter of *State of Tennessee v. Edward Farmer*, in the Criminal Court for Robertson County, Tennessee. Mr. Farmer entered into a best interest plea for violations of Tenn. Code Ann. § 39-11-403/Tenn. Code Ann. § 39-17-1105, Facilitation of Especially Aggravated Sexual Exploitation of a Minor, and Tenn. Code Ann. § 39-12-101/Tenn. Code Ann. § 39-16-503, Attempt to Commit Tampering with Evidence. Mr. Farmer's actions violated Tennessee Supreme Court Rule of Professional Conduct 8.4.

Daniel Rafael Solla (Knox County)

On April 21, 2015, Daniel Rafael Solla, of Flowery Branch, Georgia, formerly of Knoxville, Tennessee, was disbarred from the practice of law by Order of the Tennessee Supreme Court. Mr. Solla was ordered to pay restitution to eighteen (18) former clients, or to the Lawyer's Fund for Client Protection, if appropriate. Finally, Mr. Solla must pay the Board's costs and expenses and the court costs.

The Board filed a Petition for Discipline, a Supplemental Petition for Discipline, and a Second Supplemental Petition for Discipline, against Mr. Solla based upon twenty (20) complaints of misconduct. The primary issue in all of the complaints is abandonment of practice. In April 2013, Mr. Solla left his law practice without advising his clients. He failed to communicate with clients, failed to attend meetings, and failed to attend court on behalf of his clients. Mr. Solla entered into a Conditional Guilty Plea admitting to this misconduct.

Mr. Solla admits his guilt of violating Rules of Professional Conduct 1.1 (Competence), 1.3 (Diligence), 1.4 (Communication), 1.5(a)(b)(f) (Fees), 1.15(a) (Safekeeping Property and Funds), 1.16(d) (Declining and Terminating Representation), 8.1(b) (Bar Admission and Disciplinary Matters), and 8.4(a)(b)(c)(d) (Misconduct).

George Ernest Skouteris, Jr. (Shelby County)

On April 21, 2015, George Ernest Skouteris, Jr., of Memphis, Tennessee, was disbarred by Order of the Tennessee Supreme Court. This sanction shall run concurrently with a previous disbarment imposed on February 21, 2014. Mr. Skouteris was also ordered to pay restitution to a former client and to pay the Board's costs and expenses.

The Board of Professional Responsibility filed Petition for Discipline containing one (1) complaint of misconduct and a Supplemental Petition for Discipline containing one (1) complaint of misconduct. In the first

DISBARMENTS (continued)

complaint, Mr. Skouteris failed to respond to the client's numerous emails and telephone calls, ignoring her requests for status updates. Finally, the client investigated the matter and discovered that the statute of limitations for her cause expired on October 8, 2010, and that Mr. Skouteris never filed a lawsuit. Without her knowledge, Mr. Skouteris had settled the case for \$10,480.00 and he later informed her that the money had been in his trust account for months. This money was deposited in his trust account, but the balance of the account dropped below what he should have been holding in trust. In the second complaint, Mr. Skouteris was hired in a personal injury case. Mr. Skouteris failed to use a written fee agreement for the contingency fee. Further, he failed to consult and notify his clients about settlements he accepted. Mr. Skouteris made slow installment payments of the funds without adequately communicating with his clients about the total funds due to them. Mr. Skouteris entered into a Conditional Guilty plea admitting to this misconduct.

His actions violate the following Rule(s) of Professional Conduct: 1.1; Competence; 1.2(a), Scope of Representation; 1.3, Diligence; 1.4, Communication; 1.5(a-c), Fees; 1.15(a) and (c), Safekeeping Property; 4.1(a), Truthfulness in Statements to Others; 5.5(a), Unauthorized Practice of Law; 8.1(b), Bar Admission and Disciplinary Matters; and 8.4(a), (c), and (d).

Brenda Lee McCann (Florida)

On September 22, 2015, the Supreme Court of Tennessee entered an Order of Reciprocal Discipline disbaring Brenda Lee McCann, of St. Augustine, Florida. Ms. McCann was licensed to practice law in Tennessee, Alabama and Florida. Ms. McCann was disbarred by the Supreme Court of Alabama by Order entered April 24, 2015.

Upon receipt of an Order of the Supreme Court of Florida dated October 30, 2014, approving disciplinary revocation and permanently revoking Ms. McCann's license to practice law in Florida, the Board of Professional Responsibility, pursuant to Tennessee Supreme Court Rule 9, Section 25.4, filed a Notice of Submission on April 15, 2015.

Sharon Elizabeth England (Williamson County)

On September 14, 2015, Sharon Elizabeth England was disbarred by the Tennessee Supreme Court. The disbarment took effect immediately. Further, Ms. England must pay the Board of Professional Responsibility's costs and expenses and the court costs within ninety days.

The Board of Professional Responsibility filed a Petition for Discipline based upon two complaints of misconduct. In the first complaint, Ms. England failed to appear at a status hearing and the case was dismissed. She failed to notify her client of the dismissal. In the second complaint, Ms. England failed to respond to a motion to dismiss, failed to appear at the hearing and the case was dismissed. She failed to notify her client of the dismissal. Ms. England abandoned her practice. She also failed to respond to requests for information from the Board.

DISBARMENTS (continued)

A Hearing Panel found Ms. England's actions violated the following Rules of Professional Conduct: 1.3, Diligence; 1.4, Communication; 1.16, Declining and Terminating Representation; 3.2, Expediting Litigation; 8.1(b), Bar Admissions and Disciplinary Matters; and 8.4(a), Misconduct.

Ms. England was previously suspended for failing to respond to requests for information from the Board on August 13, 2013, for failing to comply with continuing legal education requirements on August 25, 2014, and for a student loan default on May 15, 2015. To date, Ms. England has not been reinstated from her previous suspensions.

Fletcher Whaley Long (Montgomery County)

On September 14, 2015, the Tennessee Supreme Court disbarred Fletcher Whaley Long from the practice of law. Pursuant to Tennessee Supreme Court Rule 9, Section 23 (2014), the disbarment was entered with the consent of Mr. Long as evidenced by his affidavit. On September 9, 2014, the Board of Professional Responsibility filed a Petition for Discipline against Mr. Long based upon three (3) complaints of unethical conduct. A Supplemental Petition for Discipline was filed on June 2, 2015, adding two (2) additional complaints of misconduct. On May 15, 2015, Mr. Long was suspended from the practice of law after being convicted of extortion in violation of Tennessee Code Annotated, Section 39-14-112, and a Petition for Final Discipline was filed on May 22, 2015.

The Petition and Supplemental Petition alleged Mr. Long charged unreasonable fees; provided incompetent representation; filed meritless claims; failed to perform professional services; failed to provide diligent representation; failed to refund unearned fees; failed to protect client property; made false statements of fact and failed to disclose material facts to a tribunal; threatened criminal prosecution to obtain an advantage in a civil proceeding; failed to properly supervise his co-counsel and knowingly ratified her misconduct; failed to report the professional misconduct of his co-counsel and partner; and engaged in conduct involving dishonesty, deceit and misrepresentations. In addition, five (5) disciplinary complaints were pending before the Board containing allegations similar to those set forth in the Petitions for Discipline.

Mr. Long's conduct violated Rules of Professional Conduct 1.1, Competence; 1.3, Diligence; 1.4, Communication; 1.5, Fees; 1.15, Safekeeping of Property and Funds; 3.1, Meritorious Claims and Contentions; 3.2, Expediting Litigation; 3.3, Candor Toward the Tribunal; 4.4, Respect for the Rights of Third Persons; 5.1, Responsibilities of Partners, Managers and Supervisory Lawyers; 5.3, Responsibilities Regarding Non-Lawyer Assistants; 1.16, Terminating Representation); 8.3, Reporting Professional Misconduct; 8.1, Bar Admission and Disciplinary Matters; and 8.4(a), Misconduct.

Joseph James Doherty (Hamblen County)

On September 2, 2015, Joseph James Doherty was disbarred by the Tennessee Supreme Court and ordered to pay restitution of \$600. The disbarment took effect immediately. Further, Mr. Doherty must pay the Board of Professional Responsibility's costs and expenses and the court costs within ninety days.

DISBARMENTS (continued)

The Board of Professional Responsibility filed a Petition for Discipline and a Supplemental Petition for Discipline based upon four complaints of misconduct. In the first complaint, Mr. Doherty appeared in court while suspended for failing to comply with continuing legal education requirements. In the second complaint, Mr. Doherty failed to respond to a motion to dismiss and failed to advise his client that the case had been dismissed. In the third complaint, Mr. Doherty failed to complete the probating of an estate. In the fourth complaint, Mr. Doherty failed to properly serve the defendant causing the suit to be barred by the statute of limitations. He failed to advise his client of this and instead made misrepresentations to his client leading him to believe that the case was ongoing. Mr. Doherty failed to notify his clients that he had been suspended for failing to comply with continuing legal education requirements. Mr. Doherty abandoned his practice. He also failed to respond to requests for information from the Board.

A Hearing Panel found Mr. Doherty's actions violated the following Rules of Professional Conduct: 1.1, Competence; 1.3, Diligence; 1.4, Communication; 1.16, Declining and Terminating Representation; 3.2, Expediting Litigation; 5.5, Unauthorized Practice of Law; 8.1(b), Bar Admissions and Disciplinary Matters; and 8.4(a), (c) and (g), Misconduct.

Elbert Jefferson, Jr. (Shelby County)

On August 24, 2015, Elbert Jefferson, Jr. was disbarred by the Tennessee Supreme Court, pursuant to Tennessee Supreme Court Rule 9, Section 4.1.

October 31, 2014, a Petition for Discipline was filed against Mr. Jefferson. The Hearing Panel found that after securing his client's signature on a settlement check in the amount of \$2,100.00, Mr. Jefferson deposited the funds into his trust account. Over the course of the following month, he converted the proceeds to his own use. Thereafter, Mr. Jefferson misled his client about the reason he could not disburse her portion of the settlement. In the course of the investigation, Mr. Jefferson did not respond to Disciplinary Counsel's request for information about the funds missing from his trust account.

The Hearing Panel determined that Mr. Jefferson violated Rules of Professional Conduct 1.3, Diligence; 1.4, Communication; 1.15, Safekeeping Property; 8.1, Bar Admission and Disciplinary Matters; 8.4(a), Misconduct.

Robert Lawson Cheek, Jr. (Knox County)

On August 12, 2015, Robert Lawson Cheek, Jr. was disbarred by the Tennessee Supreme Court. The disbarment took effect immediately. Mr. Cheek must pay the Board of Professional Responsibility's costs and expenses and court costs within ninety days.

On April 30, 2014, Mr. Cheek entered a guilty plea to mail fraud in the United States District Court for the Eastern District of Tennessee. On May 21, 2014, the Tennessee Supreme Court summarily suspended Robert Lawson Cheek, Jr. from the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 22.3. The Board of Professional Responsibility filed a Final Petition for Discipline to determine the extent of Mr.

DISBARMENTS (continued)

Cheek's discipline. Another Petition for Discipline was filed against Mr. Cheek based upon a complaint received after his summary suspension on May 21, 2014. The two cases were consolidated for Final Hearing.

Mr. Cheek misappropriated settlement funds, withheld money from settlements to pay subrogation claims, paid only a portion of the claims, and in some cases, he forged his clients' signatures on settlement checks. The Hearing Panel determined that Mr. Cheek violated Rules of Professional Conduct 1.3, Diligence; 1.5, Fees; 1.15, Safekeeping Property; 8.4(a - d), Misconduct.

Derek A. Artrip (West Virginia)

On August 12, 2015, Derek A. Artrip of Ona, West Virginia was disbarred by the Tennessee Supreme Court. The disbarment is effective immediately. Further, Mr. Artrip must pay the Board of Professional Responsibility's costs and expenses and the court costs within ninety days.

The Board of Professional Responsibility filed a Petition for Discipline based upon Mr. Artrip's representation of a plaintiff in a personal injury case. Mr. Artrip did not respond to written discovery, did not respond to a motion to compel, and did not respond to a motion to dismiss. After nonsuiting the case, Mr. Artrip failed to timely refile the case despite telling his client that he would do so. Thereafter, Mr. Artrip made misrepresentations to his client leading him to believe that the case was ongoing. Mr. Artrip failed to notify his client of his temporary suspension, his one (1) year suspension on May 9, 2013, and his disbarment on November 14, 2013. Mr. Artrip abandoned his client and failed to properly terminate their relationship. He also failed to respond to a request for information from the Board.

A Hearing Panel found Mr. Artrip's actions violated the following Rules of Professional Conduct: 1.1, Competence; 1.3, Diligence; 1.4, Communication; 1.16, Declining and Terminating Representation; 8.1(b), Bar Admissions and Disciplinary Matters; and 8.4(a), (c) and (g), Misconduct.

Christopher Lee Brown (Shelby County)

On July 20, 2015, Christopher Lee Brown, of Memphis, Tennessee, was disbarred from the practice of law by Order of the Tennessee Supreme Court. In addition, Mr. Brown must make restitution as a condition of his reinstatement. Mr. Brown must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement. The order is effective July 30, 2015.

The Petition for Discipline, and three (3) Supplemental Petitions, included eighteen (18) complaints alleging lack of diligence, lack of communication, incompetent representation, failing to expedite litigation, misrepresentations to clients, misappropriation from clients, failing to refund unearned fees, a trust account overdraft, improper advertising, failing to notify clients of prior suspensions, committing a criminal act, failing to comply with a court order, and failure to respond to the Board. Mr. Brown also abandoned his law practice. In addition, Mr. Brown pled guilty to theft of property over \$60,000.

DISBARMENTS (continued)

Mr. Brown's ethical misconduct violated Rules of Professional Conduct 1.1, Competence; 1.2, Scope of Representation; 1.3, Diligence; 1.4, Communications; 1.5, Fees; 1.15, Safekeeping Property; 1.16, Declining and Terminating Representation; 3.2, Expediting Litigation; 5.3, Responsibilities Regarding Non-Lawyer Assistants; 7.3, Solicitation of Potential Clients; 8.1, Bar Admission and Disciplinary Matters; and 8.4(a), (b), (c) and (g), Misconduct.

SUSPENSIONS

Robert R. Rexrode (Knox County)

On January 6, 2015, Robert R. Rexrode, of Knox County, Tennessee was suspended by the Tennessee Supreme Court for one (1) year all of which is to be served on probation subject to the condition that he engage a practice monitor.

A Petition for Discipline was filed on May 16, 2014, alleging that Mr. Rexrode failed to act with reasonable diligence by not promptly filing a motion for his client to use cash collateral, attempted to collect fees before obtaining court approval, submitted fee applications that failed to follow Bankruptcy procedures for identification of time devoted to the case, neglected his client's case and charged an unreasonable fee. Mr. Rexrode entered into a Conditional Guilty Plea admitting to the misconduct.

Mr. Rexrode's conduct violated Rules of Professional Conduct 1.3, (diligence); 1.2, (competence); 1.4, (communication); 1.5, (fees); 3.3, (candor toward the tribunal), and; 8.4, (misconduct). The Supreme Court's Order will go into effect ten (10) days from the date of entry.

Angela Jenkins-Hines (Madison County)

On January 23, 2015, Angela Jenkins-Hines, of Madison County, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court for one (1) year, consisting of sixty (60) days of active suspension and the remainder to be served on probation subject to the conditions that she complete at least one additional hour of CLE focused on trust accounting before the expiration of her active suspension and engage a practice monitor during the period of probation.

A Petition for Discipline was filed on March 27, 2014. The Petition for Discipline included three (3) complaints against Ms. Jenkins-Hines based upon overdrafts of her trust account and use of her trust account for personal and business banking purposes.

Ms. Jenkins-Hines entered into a conditional Guilty Plea admitting to the misconduct. Ms. Jenkins-Hines' actions violated Rules of Professional Conduct 1.15 (a) and (b) (safekeeping property).

SUSPENSIONS (continued)

Leroy Cain, Jr. (Davidson County)

On January 28, 2015, Leroy Cain, Jr., of Nashville, Tennessee, was suspended from the practice of law for one (1) year and (1) day by Order of the Tennessee Supreme Court. As a condition of reinstatement, Mr. Cain must complete a land sale transaction, or pay restitution to the purchaser, or the Tennessee Lawyers' Fund for Client Protection. Mr. Cain must pay the Board's costs and expenses.

A Petition for Discipline was filed on October 24, 2013, that included one (1) complaint of misconduct. While representing the heir of an estate in a probate matter, Mr. Cain received a check from the purchaser of property being sold by the estate. He then released the purchase money to the seller without ensuring the delivery of clear title. Mr. Cain entered into a Conditional Guilty Plea admitting to the misconduct. Mr. Cain's actions violated RPC 1.15 (safekeeping property).

Elizabeth Catherine Cox Velasquez (Sevier County)

On January 30, 2015, the Supreme Court of Tennessee entered an order suspending Elizabeth Catherine Cox of Sevierville, Tennessee for three (3) years, with one (1) year served as an active suspension, retroactive to February 3, 2014, and the remaining two (2) years served on probation. Ms. Cox must pay the Board's costs and expenses and the court costs.

Pursuant to Tennessee Supreme Court Rule 9, Section 18.5, the effective date of the order of suspension is February 9, 2015. Ms. Cox's probationary period will begin upon her reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4(c). During her probation, Ms. Cox must engage the services of a practice monitor, avoid new complaints of misconduct, enter into any monitoring agreement recommended by TLAP and pay restitution to her clients.

The Board of Professional Responsibility filed a Petition for Discipline against Ms. Cox based upon six (6) complaints of misconduct. Ms. Cox revealed damaging client information to the court in her request to withdraw, failed to communicate with her client and missed a scheduled court appearance, stopped communicating with her clients, provided legal advice to a client while suspended from the practice of law and failed to advise clients of her temporary suspension entered February 3, 2014. In mitigation of the above misconduct, Ms. Cox experienced serious personal and family issues.

Ms. Cox admitted violating Tennessee Supreme Court Rules of Professional Conduct, 1.3 (diligence), 1.4 (communication), 1.6 (confidentiality), 1.16 (terminating representation), 3.2 (expediting litigation), 5.5 (unauthorized practice of law), 8.1 (disciplinary matters) and 8.4 (misconduct).

Roy Patrick Neuenschwander (Knox County)

On February 2, 2015, Roy Patrick Neuenschwander, of Knoxville, Tennessee, was suspended from the practice of law for eleven (11) months and twenty-nine (29) days by Order of the Tennessee Supreme Court. The suspension is to be served on probation subject to the condition that Mr. Neuenschwander make monthly

SUSPENSIONS (continued)

payments of restitution, and attend a continuing legal education program on ethics which includes IOLTA and trust account materials. Mr. Neuenschwander must pay the Board's costs and expenses and the court costs.

A Petition for Discipline was filed on April 16, 2013, that included one (1) complaint of misconduct. After settling a personal injury case, Mr. Neuenschwander's client asked to keep her settlement proceeds in his trust account until she could decide what to do with them. On two occasions, Mr. Neuenschwander asked if he could borrow money from her settlement proceeds, and she agreed. Shortly after the loans, his client passed away and Mr. Neuenschwander agreed to represent her son in connection with her estate. He then signed a promissory note in which he agreed to re-pay the loan to the son. Mr. Neuenschwander did not advise either client of a conflict of interest and the need to obtain independent legal advice, nor did he obtain the clients' written, informed consent.

A Hearing Panel held that Mr. Neuenschwander violated RPC 1.7, (Conflicts of Interest: Current Clients); 1.8(a) (3), (Conflicts of Interest: Prohibited Transactions); and 8.4, (Misconduct). The Circuit court affirmed the Hearing Panel.

Darren T. Cole (Maury County)

On February 3, 2015, the Supreme Court of Tennessee entered an order suspending Darren T. Cole of St. George, Utah, for three (3) years. Mr. Cole formerly maintained an office in Maury County, Tennessee. Mr. Cole was further ordered to pay the costs and expenses of the disciplinary proceeding against him.

The Board of Professional Responsibility filed a Petition for Discipline against Mr. Cole based upon four (4) complaints of misconduct. In the first matter, Mr. Cole failed to account to his client for work performed and expenses incurred and used his trust account to pay personal expenses. In the second matter, Mr. Cole advised his client he was moving to California, and over the objection of his client, Mr. Cole transferred the representation to another attorney. In the third matter, Mr. Cole engaged in the practice of law as corporate counsel for a California company without registering with the State Bar of California and paying the required fee. In the fourth matter, Mr. Cole made materially false statements in his bar application.

A hearing panel for the Board of Professional Responsibility imposed the sanction of disbarment. Mr. Cole appealed the Hearing Panel's judgment, and the Chancery court modified the judgment of the hearing panel and imposed a suspension of three (3) years. The hearing panel and the trial court determined Mr. Cole violated Rules of Professional Conduct 1.5(e)(1) and (e)(2), Fees; 1.15(a) and (b), Safekeeping Property and Funds; 1.16(d), Declining or Terminating Representation; 5.5(a), Unauthorized Practice of Law; 8.1, Bar Admission and Disciplinary Matters; and 8.4(a) and (c), Misconduct.

Clayton F. Mayo (Madison County)

On February 20, 2015, Clayton F. Mayo, of Jackson, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court for three (3) years. Mr. Mayo must serve one year of the sanction as an active suspension and the remaining two (2) years shall be served on probation subject to conditions that Mr.

SUSPENSIONS (continued)

Mayo engage a practice monitor and engage the Tennessee Lawyer's Assistance Program for an evaluation. Further, Mr. Mayo was ordered to make restitution to former clients and must pay the Board's costs and expenses. The active period of suspension is retroactive to a Temporary Suspension Order entered on January 27, 2014; therefore, Mr. Mayo will be immediately eligible to petition for reinstatement so that he may begin his probationary period.

The Board of Professional Responsibility of the Supreme Court of Tennessee initiated formal disciplinary proceedings against Mr. Mayo based upon six (6) complaints of misconduct alleging that Mr. Mayo missed trial dates, neglected clients' matters, failed to communicate with clients and finally abandoned his practice. The clients paid Mr. Mayo a fee, and while Mr. Mayo did some initial work, he eventually stopped responding to them and failed to follow through on their legal work. Mr. Mayo entered into a Conditional Guilty Plea admitting to the misconduct.

Mr. Mayo's actions violated the Supreme Court's Rules of Professional Conduct 1.1, Competence; 1.3, Diligence; 1.4, Communication; 1.5(a), Fees; 1.16(d), Declining and Terminating Representation; 3.2, Expediting Litigation; 8.1(b), Bar Admission and Disciplinary Matters; and 8.4(a) and (d), Misconduct.

Shannon Michele Lovins (Sullivan County)

On February 20, 2015, the Supreme Court of Tennessee entered an Order of Reciprocal Discipline suspending the law license of Shannon Michele Lovins, of Bluff City, Tennessee, for five (5) years subject to conditions imposed by the North Carolina State Bar. The suspension is retroactive to December 5, 2012.

Upon receiving notification by the Board of Professional Responsibility that Ms. Lovins was subject to attorney discipline in North Carolina, the Supreme Court of Tennessee entered a notice requiring Ms. Lovins to demonstrate why reciprocal discipline should not be imposed in Tennessee. Ms. Lovins' license to practice law in North Carolina was suspended upon finding that Ms. Lovins pled guilty to several criminal offenses involving illegal drugs, disorderly conduct, and driving while under the influence of an impairing substance. Ms. Lovins also failed to conduct the requisite reconciliations of her trust account, commingled funds by leaving her attorney fees in the trust account, over-disbursed funds from the trust account to third parties, and failed to follow mandatory management and record-keeping procedures. There was no evidence that Ms. Lovins' failure to follow proper trust account management and record-keeping procedures was the result of dishonesty or for self-gain.

Ms. Lovins voluntarily stipulated to the findings of a North Carolina State Bar Hearing Panel acknowledging that she violated North Carolina General Statutes, Section 84-28(b)(2) Rules 1.15-2(a), (f), (j) and (m), 1.15-3(a), (b) and (d), 8.4(b). After considering the record of the North Carolina State Bar, the Supreme Court of Tennessee found that it was appropriate to also enter an Order of Reciprocal Discipline suspending Ms. Lovins' license to practice law in Tennessee.

SUSPENSIONS (continued)

William Clark Barnes (Maury County)

On March 31, 2015, William Clark Barnes, former Maury County lawyer now of Memphis, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court for three (3) years, with six (6) months active suspension and two (2) years and six (6) months to be served on probation. The order was effective upon entry. Mr. Barnes must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

Mr. Barnes failed to timely file a brief in a criminal appeal, failed to diligently prepare a personal injury lawsuit necessitating its voluntary dismissal, failed to consult with his clients prior to voluntarily dismissing that case, was not diligent in his representation of a party to a divorce, failed to advise his client in an employment discrimination matter that her case was dismissed on summary judgment, failed to timely file a brief in another criminal appeal, and failed to adequately communicate with a client in a custody matter. Mr. Barnes entered into a Conditional Guilty Plea admitting to the misconduct.

Mr. Barnes' actions violated RPC 1.3 (diligence), 1.4 (communication), 1.16 (declining and terminating representation), 3.2 (expediting litigation) and 8.4(a) (misconduct).

Joseph Paul Calandriello (Davidson County)

On April 1, 2015, Joseph Paul Calandriello, of Nashville, Tennessee, was suspended from the practice of law for three (3) years, consisting of eleven (11) months and twenty-nine (29) days served as active suspension and the remainder to be served on probation subject to the condition that he remain in compliance with his existing Tennessee Lawyers Assistance Program (TLAP) monitoring agreement. Mr. Calandriello must pay the Board's costs and expenses.

A Petition for Discipline was filed on July 29, 2014, that included four (4) complaints of misconduct. The first complaint was from the Davidson County District Attorney General reporting Mr. Calandriello's arrest for possession of a controlled substance, DUI, violation of the open container law and public intoxication. The other complainants reported that Mr. Calandriello had abandoned his practice and ceased communication.

Mr. Calandriello entered into a Conditional Guilty Plea admitting to the misconduct. Mr. Calandriello's actions violated Tennessee Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.16 (terminating representation) and 8.4 (a) (misconduct).

Billy J. Reed (Knox County)

On May 4, 2015, Billy J. Reed, of Nashville, Tennessee, was suspended from the practice of law for three (3) years, retroactive to the date the Supreme Court entered an Order of Temporary Suspension, January 17, 2014. Mr. Reed was ordered to make restitution to four former clients or the Tennessee Lawyer's Fund for Client Protection. Finally, Mr. Reed must pay the costs and expenses incurred by the Board. The Court ordered Mr. Reed to contact the Tennessee Lawyer's Assistance Program ("TLAP") and follow any recommendations.

SUSPENSIONS (continued)

A Petition for Discipline was filed against Mr. Reed containing six (6) complaints of misconduct. In the first complaint, Mr. Reed failed to adequately communicate with his client after a settlement was reached. By the time the case came to a conclusion, he stopped communicating with his client. In the second complaint, Mr. Reed failed to adequately communicate with his client concerning her requests to begin litigation in a real estate dispute. In the third complaint, Mr. Reed filed a Petition for Conservatorship on behalf of his client; however, he failed to communicate with her or to complete the case. In the fourth complaint, Mr. Reed represented his clients through a trial and appeal of a boundary dispute. After the appeal, his clients were entitled to recover costs. Mr. Reed stopped communicating with them and he failed to schedule a hearing to recover the costs. In the fifth complaint, Mr. Reed was hired to represent his client in a wrongful foreclosure case. The client was unable to communicate with Mr. Reed about his case and ultimately had to hire new counsel. In the final complaint, Mr. Reed was hired to represent his client in a real estate dispute. Mr. Reed failed to respond to motions and he failed to adequately represent his client.

A Hearing Panel for the Board of Professional Responsibility found that Mr. Reed's actions violated Rules of Professional Conduct 1.3 (Diligence); 1.4 (Communication); 1.5(a) (Fees); 1.16(d) (Declining and Terminating Representation); 3.2, (Expediting Litigation); 8.1(b) (Bar Admission and Disciplinary Matters), and 8.4(a) and (d) (Misconduct).

Fletcher Whaley Long (Montgomery)

On May 15, 2015, the Tennessee Supreme Court suspended Fletcher Whaley Long from the practice of law until further orders of the Court pursuant to Tennessee Supreme Court Rule 9, Section 22.3. Mr. Long was suspended based upon his having been convicted of extortion in violation of T.C.A. § 39-14-112. The Supreme Court's Order is effective immediately.

Pursuant to the Order of the Supreme Court, the matter has been referred to the Board to institute formal proceedings to determine the extent of the final discipline to be imposed upon Mr. Long as a result of his conviction of a serious crime.

Carrie Watson Gasaway (Montgomery)

On May 15, 2015, the Tennessee Supreme Court suspended Carrie Watson Gasaway from the practice of law until further orders of the Court pursuant to Tennessee Supreme Court Rule 9, Section 22.3. Ms. Gasaway was suspended based upon her having been convicted of extortion in violation of T.C.A. § 39-14-112. The Supreme Court's Order is effective immediately.

Pursuant to the Order of the Supreme Court, the matter has been referred to the Board to institute formal proceedings to determine the extent of the final discipline to be imposed upon Ms. Gasaway as a result of her conviction of a serious crime.

SUSPENSIONS (continued)

Thomas Holland McKinnie, Jr. (Williamson County)

On June 26, 2015, Thomas Holland McKinnie, Jr., of Williamson County, was suspended by the Tennessee Supreme Court for one (1) year pursuant to Supreme Court Rule 9, Section 4.2. On August 6, 2014, the Board of Professional Responsibility filed a Petition for Discipline against Mr. McKinnie pursuant to Supreme Court Rule 9. Mr. McKinnie submitted a Conditional Guilty Plea that was approved by the Hearing Panel, the Board and the Supreme Court. In one matter, Mr. McKinnie did not pursue a case after telling his client that it was moving forward. In another matter, after settlement, Mr. McKinnie did not provide his clients with a settlement sheet and led them to believe he was still negotiating to reduce a subrogation claim after it had been paid. In the last matter, Mr. McKinnie failed to pursue his clients' case and communicate with his clients about its status.

Mr. McKinnie's actions violate the following Rule(s) of Professional Conduct: 1.3, Diligence; 1.4, Communication, 1.5, Fees; and 8.4(c), Misconduct.

Gregory Wayne Minton (Madison)

On June 26, 2015, Gregory Wayne Minton, formerly of Jackson, Tennessee, was suspended by Order of the Tennessee Supreme Court for five (5) years. Mr. Minton is also ordered to pay restitution to five (5) former clients. Mr. Minton must pay the costs and expenses of the disciplinary action to the Board of Professional Responsibility.

The Board of Professional Responsibility filed a Petition for Discipline against Mr. Minton based upon thirteen (13) complaints of ethical misconduct alleging lack of diligence, lack of communication, abandonment of practice, failure to appear in court for several cases, negligence, accepting fees and then failing to provide adequate legal services, contempt of court, misuse of his trust account causing overdrafts in his trust account on multiple occasions, and failure to notify clients of his temporary suspension entered June 14, 2013. Mr. Minton entered into a Conditional Guilty Plea which was approved by a Hearing Panel and the Tennessee Supreme Court for violations of Rules of Professional Conduct: 1.1, Competence; 1.3, Diligence; 1.4(a) and (b), Communication; 1.5(a)(b) and (f), Fees; 1.15(a), Safekeeping Property; 1.16(d), Terminating Representation; 3.2, Expediting Litigation; 3.4(c) and (d), Fairness to Opposing Party and Counsel; 8.1(b), Bar Admission and Disciplinary Matters; and 8.4(a)-(g), Misconduct.

Joseph Brent Nolan (Knoxville)

On June 26, 2015, Joseph Brent Nolan, of Knoxville, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court for six (6) months. In addition, Mr. Nolan must make restitution as a condition of his reinstatement. The order was effective upon entry. Mr. Nolan must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

Mr. Nolan delegated sole responsibility for management of his trust account to his mother, a nonlawyer employee. She used the trust account, without his knowledge, in order to pay the expenses of his law practice

SUSPENSIONS (continued)

and other businesses owned by Mr. Nolan. As a result, a client did not receive all the proceeds of a settlement to which he was entitled and a subrogation claim was not paid. Mr. Nolan failed to communicate adequately with the client and failed to provide him with a settlement statement. Mr. Nolan's failure to adequately supervise his nonlawyer employee was addressed in a related matter and he is currently serving a two (2) year suspension, with one (1) year active suspension and one (1) year on probation.

Mr. Nolan's actions violated RPC 1.4 (communication), 1.5(c) (fees), 1.15(a) and (d) (safekeeping property and funds), 5.3 (responsibilities regarding nonlawyer assistants) and 8.4(a) (misconduct).

John Jay Clark (Williamson County)

On June 26, 2015, the Supreme Court of Tennessee suspended the law license of John Jay Clark of Franklin, Tennessee, for four (4) years and ordered Mr. Clark to pay the Board's costs and expenses.

The Board of Professional Responsibility filed a Petition for Discipline against John Jay Clark on November 19, 2014, and a Supplemental Petition for Discipline on March 23, 2015, based upon four (4) complaints of misconduct. Mr. Clark failed to remit \$24,000.00 in attorney's fees to the law firm at which he was employed; altered a verification from a pleading to make it appear the document was executed on a later date; notarized the verification and filed the pleading with the Juvenile Court without the knowledge or consent of his client. Mr. Clark attempted to visit clients in jail on at least twenty-nine (29) occasions while his license to practice law was suspended for non-compliance with CLE requirements. In mitigation, Mr. Clark fully reimbursed his former law firm for the fees and cooperated with the Board in the disciplinary proceedings. In addition, Mr. Clark experienced a significant personal loss.

Mr. Clark entered a conditional guilty plea, approved by a Hearing Panel for the Board, the Board and the Supreme Court, admitting he violated Tennessee Rules of Professional Conduct 1.15(a), (b) and (d) (safekeeping of property and funds); 3.3(a)(1) (candor toward the tribunal); 5.5(a) and (b) (unauthorized practice of law) and 8.4(a) (c) and (d) (misconduct).

Cynthia Lee Costner-Sexton (Blount County)

On September 18, 2015, the law license of Cynthia Lee Costner-Sexton, a Maryville attorney, was suspended by Order of the Tennessee Supreme Court for eleven (11) months and twenty-nine (29) days retroactive to July 21, 2014. Ms. Costner-Sexton must pay restitution, the Board's costs and expenses, and court costs within ninety days of the entry of the Order of Enforcement. The Supreme Court Order was effective upon entry, and Ms. Costner-Sexton remains suspended until an Order of Reinstatement is entered.

A Petition for Discipline was filed against Ms. Costner Sexton based upon one complaint of misconduct. A Hearing Panel for the Board found Ms. Costner-Sexton failed to reasonably communicate with her client, failed to provide professional services after accepting a retainer, failed to refund unearned fees and failed to respond to the Board.

SUSPENSIONS (continued)

Ms. Costner-Sexton's actions violated Rules of Professional Conduct 1.3, Diligence; 1.4, Communications; 1.5, Fees; 1.16, Declining or Terminating Representation; 8.1, Bar Admission and Disciplinary Matters; and 8.4, Misconduct.

William Leon Hendricks (Shelby County)

On September 17, 2015, William Leon Hendricks, of Memphis, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court for four (4) years, retroactive to April 30, 2013, with two (2) years active suspension and two (2) years of probation. The order is effective September 27, 2015. Mr. Hendricks must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

Mr. Hendricks represented the owners of companies against whom the Department of Commerce and Insurance filed suit to seize and liquidate the companies because they were providing nonexistent insurance and were unlawfully engaging in the business of insurance without licensure. Despite an injunction against transferring the assets of the business, Mr. Hendricks participated in transferring some of the companies' assets and continuing to transact the business of the companies under new names. He was charged with contempt for violating the injunction. He was indicted and received pretrial diversion for facilitation to commit a Class B felony. In mitigation, he claims he was duped by his clients who are under federal indictment for their roles in the scheme. Mr. Hendricks has fully cooperated with law enforcement and has not challenged his temporary suspension pending resolution of the criminal matter and the Petition for Discipline.

Mr. Hendricks' actions violated RPC 1.16(b) (declining and terminating representation), 3.4(c) (fairness to opposing party and counsel) and 8.4(a) and (d) (misconduct).

Edythe Paschall Christie (Gibson County)

On September 2, 2015, the Tennessee Supreme Court suspended Edythe Paschall Christie from the practice of law until further orders of the Court pursuant to Tennessee Supreme Court Rule 9, Section 22.3. Ms. Christie was suspended based upon her criminal conviction for the offense of Tampering with Evidence, in the matter of *State of Tennessee v. Edythe Christie*, in the Circuit Court of Madison County, Tennessee. The Supreme Court's Order is effective immediately.

Pursuant to the Order of the Supreme Court, the matter has been referred to the Board to institute formal proceedings to determine the extent of the final discipline to be imposed upon Ms. Christie as a result of her conviction of a serious crime.

SUSPENSIONS (continued)

Donald Walter Fisher (Davidson County)

On August 21, 2015, Donald Walter Fisher of Nashville, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court for one (1) year, with ninety (90) days served as active suspension and the remainder on probation. The order was effective upon entry. Mr. Fisher must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

Mr. Fisher failed to properly supervise non-lawyer assistants in a personal injury practice by allowing them to have too much responsibility for client communication and settlement negotiations. A non-lawyer employee of Mr. Fisher made a telephone solicitation of two potential clients soon after their automobile accidents. The same employee gave gas cards to two clients. That employee signed Mr. Fisher's name to a complaint. Mr. Fisher filed a complaint on behalf of two persons with adverse interests. Mr. Mr. Fisher failed to adequately communicate with his clients and failed to adequately supervise his non-lawyer employees.

Mr. Fisher's actions violated RPC 1.4 (communication), 1.7(a) (conflicts of interest: current clients), 1.8(e) (conflicts of interest: specific rules), 5.3(b) (responsibilities regarding non-lawyer assistants), 7.3(a) (solicitation of potential clients) and 8.4(a) (misconduct).

Michael Barton Brooks (Shelby County)

On August 21, 2015, the Tennessee Supreme Court suspended Michael Barton Brooks from the practice of law until further orders of the Court pursuant to Tennessee Supreme Court Rule 9, Section 22.3. Mr. Brooks was suspended based upon his guilty plea to a serious crime; i.e., aggravated assault and vehicular assault.

The Supreme Court ordered the Board of Professional Responsibility to institute a formal proceeding to determine the extent of final discipline to be imposed as a result of Mr. Brooks's guilty plea.

Mitchell Stanley Givens, Jr. (Washington County)

On August 13, 2015, Mitchell Stanley Givens, Jr., of Johnson City, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court for one (1) year with thirty (30) days to be served as an active suspension and the remainder served on probation, subject certain obligations set forth in the Supreme Court's Order. Mr. Givens must pay the Board's costs and expenses and the court costs within ninety (90) days of the entry of the Order of Enforcement. The order is effective upon entry.

The Board of Professional Responsibility filed a Petition for Discipline against Mr. Givens on August 4, 2014, and a Supplemental Petition for Discipline on March 27, 2015, alleging Mr. Givens misrepresented himself online as a Supreme Court Rule 31 listed mediator; failed to have his client execute a written contingency fee agreement; failed to promptly distribute settlement proceeds to his client; and misled his client to believe her personal injury action was still pending. Mr. Givens entered into a Conditional Guilty Plea admitting to the misconduct. In mitigation, Mr. Givens forfeited his contingency fee and cooperated fully with the Board.

SUSPENSIONS (continued)

Mr. Givens' actions violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.15 (safekeeping property), 1.16 (terminating representation), 7.1 (communications concerning a lawyer's services) and 8.4 (misconduct). Mr. Givens must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30 (2014), regarding the obligations and responsibilities of suspended attorneys.

Rebecca C. (Verneti) Kaman (Knox County)

On August 11, 2015, Rebecca C. (Verneti) Kaman, formerly of Knoxville, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court for one (1) year to be served consecutive to a three (3) year suspension entered on March 21, 2014, and ordered to pay restitution to two former clients. Ms. Kaman is required to pay the Board's costs and expenses and court costs within ninety days of the entry of the Order of Enforcement. The Supreme Court's Order is effective upon entry.

A Petition for Discipline was filed on May 21, 2014, and a Supplemental Petition for Discipline was filed on November 14, 2014, containing four (4) separate complaints of misconduct. In the complaints, Ms. Kaman failed to reasonably communicate with her clients; filed initial pleadings in the wrong court resulting in sanctions being imposed upon her client; failed to refile the Petition in Circuit Court as she represented would be done; failed to refund any fees or provide an accounting; failed to serve a complaint and, thereafter, failed to respond to an Order to Show Cause or inform her client of the pending Order. Ms. Kaman filed a Notice of Voluntary Dismissal Without Prejudice without authority from her client and misrepresented the case was pending. Ms. Kaman also failed to respond to the Board of Professional Responsibility.

Ms. Kaman entered a Conditional Guilty Plea admitting she violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.16 (terminating representation), 8.1 (bar admission and disciplinary matters) and 8.4 (misconduct).

James Marion Allen (Shelby County)

August 6, 2015, James Marion Allen, of Memphis, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court for six (6) months. The order was effective upon entry. Mr. Allen must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

The Board of Professional Responsibility filed a Petition for Discipline against Mr. Allen based upon one complaint of misconduct alleging Mr. Allen engaged in the unauthorized practice of law after the suspension of his law license on July 14, 2008, for failure to pay registration fees. Mr. Allen entered into a Conditional Guilty Plea admitting to the misconduct.

Mr. Allen's actions violated Rules of Professional Conduct 5.5, (unauthorized practice of law).

SUSPENSIONS (continued)

Billy J. Reed (Knox County)

On May 4, 2015, Billy J. Reed, of Knoxville, Tennessee, was suspended from the practice of law for three (3) years, retroactive to the date the Supreme Court entered an Order of Temporary Suspension, January 17, 2014. Mr. Reed was ordered to make restitution to four former clients or the Tennessee Lawyer's Fund for Client Protection. Finally, Mr. Reed must pay the costs and expenses incurred by the Board. The Court ordered Mr. Reed to contact the Tennessee Lawyer's Assistance Program ("TLAP") and follow any recommendations.

A Petition for Discipline was filed against Mr. Reed containing six (6) complaints of misconduct. In the first complaint, Mr. Reed failed to adequately communicate with his client after a settlement was reached. By the time the case came to a conclusion, he stopped communicating with his client. In the second complaint, Mr. Reed failed to adequately communicate with his client concerning her requests to begin litigation in a real estate dispute. In the third complaint, Mr. Reed filed a Petition for Conservatorship on behalf of his client; however, he failed to communicate with her or to complete the case. In the fourth complaint, Mr. Reed represented his clients through a trial and appeal of a boundary dispute. After the appeal, his clients were entitled to recover costs. Mr. Reed stopped communicating with them and he failed to schedule a hearing to recover the costs. In the fifth complaint, Mr. Reed was hired to represent his client in a wrongful foreclosure case. The client was unable to communicate with Mr. Reed about his case and ultimately had to hire new counsel. In the final complaint, Mr. Reed was hired to represent his client in a real estate dispute. Mr. Reed failed to respond to motions and he failed to adequately represent his client.

A Hearing Panel for the Board of Professional Responsibility found that Mr. Reed's actions violated Rules of Professional Conduct 1.3 (Diligence); 1.4 (Communication); 1.5(a) (Fees); 1.16(d) (Declining and Terminating Representation); 3.2, (Expediting Litigation); 8.1(b) (Bar Admission and Disciplinary Matters), and 8.4(a) and (d) (Misconduct).

Homer L. Cody (Shelby County)

On July 28, 2015, Homer L. Cody of Memphis, Tennessee was suspended for one hundred eighty (180) days by the Tennessee Supreme Court. The suspension shall begin on August 7, 2015. Further, Mr. Cody must pay the Board of Professional Responsibility's costs and expenses and the court costs within ninety days.

The Board of Professional Responsibility filed a Petition for Discipline based upon Mr. Cody's representation of two plaintiffs which resulted in a concurrent conflict of interest. Mr. Cody previously received a public censure for the same conduct, with the same two plaintiffs; however, he continued with the representation by filing an additional pleading on their behalf. Despite receiving that public censure, Mr. Cody continued representing both plaintiffs. While the second disciplinary proceeding was pending, Mr. Cody filed a second suit wherein he continued to represent the same two plaintiffs.

A Hearing Panel found Mr. Cody's actions violated the following Rules of Professional Conduct: 1.7, Conflict of Interest: Current Clients; and 8.4(a) and (d), Misconduct. Mr. Cody appealed the decision to the Circuit Court for Shelby County, which affirmed the Hearing Panel's decision. Mr. Cody appealed the decision of the Shelby County Circuit Court to the Supreme Court of Tennessee. In its July 27, 2015 unanimous

SUSPENSIONS (continued)

Opinion, authored by Chief Justice Sharon G. Lee, the Supreme Court held the findings of fact and conclusions of law made by the Hearing Panel were supported by substantial and material evidence and were neither arbitrary, capricious nor characterized by an abuse of discretion. The Supreme Court further concluded that the misconduct of Mr. Cody justified the imposition of a 180-day suspension from the practice of law.

Yarboro Ann Sallee (Knoxville)

On July 23, 2015, Yarboro Ann Sallee, of Knoxville, Tennessee, was suspended from the practice of law for one (1) year by the Supreme Court of Tennessee. Pursuant to Tenn. Sup. Ct. R. 9, § 18.5 (2006), Ms. Sallee's one (1) year suspension from the practice of law is effective ten (10) days after the entry of the order.

The Board of Professional Responsibility filed a Petition for Discipline against Ms. Sallee based upon two related complaints of misconduct. In the first complaint, Ms. Sallee failed to keep her clients reasonably informed about the significant amount of fees and expenses being incurred, failed to adequately communicate the legal services Ms. Sallee intended to provide, charged an unreasonable fee, and failed to promptly surrender the papers and property of her clients after they terminated her representation. In the second complaint, Ms. Sallee threatened to present a criminal charge against her former clients for the purpose of obtaining an advantage in a civil matter.

A Hearing Panel found Ms. Sallee's conduct violated Rules of Professional Conduct 1.4 (Communication); 1.5 (Fees); 1.16 (Declining and Terminating Representation); 4.4 (Respect for the Rights of Third Persons), and 8.4 (Misconduct) and recommended her license to practice law be suspended for one (1) year. Ms. Sallee appealed the decision to the Chancery Court for Knox County, which affirmed the Hearing Panel's decision. Ms. Sallee appealed the decision of the Knox County Chancery Court to the Supreme Court of Tennessee. In its July 23, 2015 unanimous Opinion, authored by Justice Holly Kirby, the Supreme Court held the findings of fact and conclusions of law made by the Hearing Panel were supported by substantial and material evidence and were neither arbitrary, capricious nor characterized by an abuse of discretion. The Supreme Court further concluded that the misconduct of Ms. Sallee justified the imposition of a one (1) year suspension from the practice of law.

SUSPENSION DISSOLVED

James D. McWilliams (Georgia)

On March 19, 2013, James D. McWilliams, of Washington, Georgia, was summarily suspended by Order of the Tennessee Supreme Court after pleading guilty to a serious crime. He was placed on diversion pursuant to T.C.A. § 40-35-313. The matter was referred to the Board for filing a Petition for Final Discipline. Mr. McWilliams has successfully completed his probation and no conviction will result from his guilty plea. Therefore, the Board dismissed the Petition for Final Discipline and on August 25, 2015, the Supreme Court entered an Order dissolving the summary suspension. The Order is effective ten days after entry. Mr. McWilliams was on inactive status prior to the summary suspension and resumes inactive status.

TEMPORARY SUSPENSIONS

Yarboro Ann Sallee (Knox County)

On February 6, 2015, the Supreme Court of Tennessee temporarily suspended Yarboro Ann Sallee from the practice of law upon finding that Ms. Sallee failed to respond to the Board regarding a complaint of misconduct. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's failure to respond to the Board regarding a complaint of misconduct.

Ms. Sallee is precluded from accepting any new cases, and she must cease representing existing clients by March 8, 2015. After March 8, 2015, Ms. Sallee shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Ms. Sallee must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending her law license. Ms. Sallee is required to deliver to all clients any papers or property to which they are entitled.

Patricia Donice Butler (Roane County)

On March 13, 2015, the Supreme Court of Tennessee temporarily suspended Patricia Donice Butler from the practice of law upon finding that Ms. Butler failed to respond to the Board regarding a complaint of misconduct. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's failure to respond to the Board regarding a complaint of misconduct.

Ms. Butler is immediately precluded from accepting any new cases, and she must cease representing existing clients by April 12, 2015. After April 12, 2015, Ms. Butler shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Ms. Butler must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending her law license. Ms. Butler is required to deliver to all clients any papers or property to which they are entitled.

Marshall Scott Smith (Madison County)

On April 14, 2015, the Tennessee Supreme Court entered an Order summarily and temporarily suspending Marshall Scott Smith from the practice of law upon finding that Mr. Smith misappropriated funds and that he poses a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases where an attorney poses a threat of substantial harm to the public. In addition, the Tennessee Supreme Court entered a separate Order on April 14, 2015, finding that Mr. Smith should be removed from disability inactive status.

TEMPORARY SUSPENSIONS (continued)

Mr. Smith's law license was placed on disability inactive status on October 7, 2014. Since that time, he has been precluded from practicing law. Upon entry of the Order of Temporary Suspension on April 14, 2015, Mr. Smith must comply with Tennessee Supreme Court Rule 9, Sections 12.3 and 28 regarding the responsibilities of suspended attorneys and the procedure for reinstatement.

Patricia Lynne Stolinsky (Wilson County)

On April 17, 2015, the Supreme Court of Tennessee temporarily suspended Patricia Lynne Stolinsky from the practice of law upon finding that Ms. Stolinsky has failed to respond to the Board regarding a complaint of misconduct. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's failure to respond to the Board regarding a complaint of misconduct.

Effective April 17, 2015, Ms. Stolinsky is precluded from accepting any new cases and she must cease representing existing clients by May 17, 2015. After May 17, 2015, Ms. Stolinsky shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Ms. Stolinsky must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending her law license. Section 28 of Supreme Court Rule 9 requires Ms. Stolinsky to deliver to all clients any papers or property to which they are entitled.

John Lyndon Lowery (Davidson County)

On May 28, 2015, the Supreme Court of Tennessee issued an Order summarily and temporarily suspending John Lyndon Lowery from the practice of law upon finding that Mr. Lowery has misappropriated funds and poses a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's failure to respond to the Board regarding a complaint of misconduct.

Effective May 28, 2015, Mr. Lowery is precluded from accepting any new cases and he must cease representing existing clients by June 27, 2015. After June 27, 2015, Mr. Lowery shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Lowery must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending his law license. Section 28 of Supreme Court Rule 9 requires Mr. Lowery to deliver to all clients any papers or property to which they are entitled.

Jamie Ellen Machamer (Davidson County)

On May 28, 2015, the Supreme Court of Tennessee issued an Order summarily and temporarily suspending Jamie Ellen Machamer from the practice of law upon finding that Ms. Machamer has failed to

TEMPORARY SUSPENSIONS (continued)

respond to the Board regarding a complaint of misconduct. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's failure to respond to the Board regarding a complaint of misconduct.

Effective May 28, 2015, Ms. Machamer is precluded from accepting any new cases and she must cease representing existing clients by June 27, 2015. After June 27, 2015, Ms. Machamer shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Ms. Machamer must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending her law license. Section 28 of Supreme Court Rule 9 requires Ms. Machamer to deliver to all clients any papers or property to which they are entitled.

Fred Auston Wortman, III (Shelby County)

On June 23, 2015, the Supreme Court of Tennessee temporarily suspended Fred Auston Wortman, III, from the practice of law upon finding that Mr. Wortman poses a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for immediate temporary suspension of an attorney's license to practice law in matters where an attorney's continued practice of law poses a threat of substantial harm to the public.

Effective June 23, 2015, Mr. Wortman is precluded from accepting any new cases, and he must cease representing existing clients by July 23, 2015. After July 23, 2015, Mr. Wortman shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted. Mr. Wortman must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending his law license. Mr. Wortman is required to deliver to all clients any papers or property to which they are entitled.

Patricia Lynne Stolinsky (Wilson County)

On August 7, 2015, the Supreme Court of Tennessee temporarily suspended Patricia Lynne Stolinsky from the practice of law upon finding that Ms. Stolinsky poses a substantial threat of harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases where it has been demonstrated that the attorney poses a threat of substantial harm to the public.

Effective, August 7, 2015, Ms. Stolinsky is precluded from accepting any new cases and she must cease representing existing clients by September 6, 2015. After September 6, 2015, Ms. Stolinsky shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

TEMPORARY SUSPENSIONS (continued)

Ms. Stolinsky must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending her law license. Section 28 of Supreme Court Rule 9 requires Ms. Stolinsky to deliver to all clients any papers or property to which they are entitled.

John Thomas Jones (Knox County)

On July 24, 2015, the Supreme Court of Tennessee temporarily suspended John Thomas Jones from the practice of law upon finding that Mr. Jones misappropriated funds and poses a threat of substantial harm to the public. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's misappropriation of funds.

Mr. Jones is immediately precluded from accepting any new cases, and he must cease representing existing clients by August 23, 2015. After August 23, 2015, Mr. Jones shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Jones must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending his law license. Mr. Jones is required to deliver to all clients any papers or property to which they are entitled.

Venita Marie Martin (Shelby County)

On July 17, 2015, the Supreme Court of Tennessee temporarily suspended Venita Marie Martin from the practice of law upon finding that Ms. Martin failed to respond to the Board regarding a complaint of misconduct. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's failure to respond to the Board regarding a complaint of misconduct.

Ms. Martin is immediately precluded from accepting any new cases, and she must cease representing existing clients by August 16, 2015. After August 16, 2015, Ms. Martin shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Ms. Martin must notify all clients being represented in pending matters, as well as co-counsel and opposing counsel of the Supreme Court's Order suspending her law license. Ms. Martin is required to deliver to all clients any papers or property to which they are entitled.

PUBLIC CENSURES

Larry Joe Hinson, Jr. (Lewis County)

On January 9, 2015, Larry Joe Hinson, Jr., an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

PUBLIC CENSURES (continued)

Mr. Hinson failed to act diligently or adequately communicate with his court appointed client and the court in a post-conviction matter. Mr. Hinson also failed to comply with the court's order and failed to take any action in the matter after promising the court he would do so. Additionally, Mr. Hinson misrepresented to the court and the Board that he had filed a pleading with the court when there was insufficient evidence of such filing.

By these acts, Larry Joe Hinson, Jr. has violated Rules of Professional 1.3 (diligence), 1.4 (communication), 3.2 (expediting litigation), 3.3 (candor toward tribunal), 3.4(c) (disobeying obligations of tribunal), 8.1(a) (false statement of material fact to Board), and 8.4(a) and (c) (misconduct) and is hereby Publicly Censured for these violations.

Wendell J. O'Reilly (Williamson County)

On January 9, 2015, Wendell J. O'Reilly, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. O'Reilly failed to act diligently or adequately communicate with a client during his representation. Mr. O'Reilly neglected the client's civil matters causing the dismissals of the proceedings which were prejudicial to his client.

By these acts, Wendell J. O'Reilly has violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 3.2 (expediting litigation), and 8.4(a) and (d) (misconduct) and is hereby Publicly Censured for these violations.

Daphne Michelle Davis (Davidson County)

On January 9, 2015, Daphne Michelle Davis, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Ms. Davis failed to act diligently and failed to adequately communicate during her representation of a client in two matters. Ms. Davis also deceived her client into believing that she had filed a civil action with the court when such action was never taken.

By these acts, Daphne Michelle Davis, has violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), and 8.4(a) and (c) (misconduct) and is hereby Publicly Censured for these violations.

Arvin H. Reingold (Hamilton County)

On January 13, 2015, Arvin H. Reingold, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

PUBLIC CENSURES (continued)

Mr. Reingold represented a plaintiff in a lawsuit against her insurance company after her house was destroyed by a fire. Mr. Reingold failed to advise his client when her case was dismissed on the defendant's motion for summary judgment and, as a result, the client lost her right to appeal.

By these acts, Mr. Reingold has violated Rules of Professional Conduct 1.3 (diligence) and 1.4 (communication), and is hereby Publicly Censured for these violations.

Darryl Wayne Humphrey (Shelby County)

On January 26, 2015, Darryl Wayne Humphrey, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Humphrey failed to keep his client's funds in his trust account, failed to promptly issue a refund upon termination of the representation, and failed to maintain reasonable communication with his client after a refund was requested.

By these acts, Mr. Humphrey violated Rules of Professional Conduct 1.15 (safekeeping property), 1.4 (communication), and 1.16 (terminating representation), and is hereby Publicly Censured for these violations.

Bradley Aaron Teplitsky (Shelby County)

On January 28, 2015, the Supreme Court of Tennessee publicly censured Bradley Aaron Teplitsky, of Toronto, Ontario, Canada, who formerly practiced law in Shelby County, Tennessee.

The Board of Professional Responsibility filed a Petition for Discipline against Mr. Teplitsky based on a complaint of misconduct. A Hearing Panel for the Board of Professional Responsibility found Mr. Teplitsky submitted a false affidavit to the Tennessee Commission on Continuing Legal Education and Specialization claiming to have attended two (2) Memphis Bar Association seminars and concluded that Mr. Teplitsky should receive a public censure for his conduct. Mr. Teplitsky appealed the Hearing Panel's decision to the Shelby County Chancery Court which affirmed the decision of the Hearing Panel. Thereafter, Mr. Teplitsky filed a notice of appeal to the Tennessee Supreme Court. The Court dismissed Mr. Teplitsky's appeal for failure to file a transcript of the evidence. The Supreme Court approved the Hearing Panel's Order as the Court's final order in the matter. The Court further ordered Mr. Teplitsky to pay the costs and expenses of the disciplinary proceeding.

By his conduct, Mr. Teplitsky violated Tennessee Supreme Court Rules of Professional Conduct 8.4(c) (misconduct) and is hereby Publicly Censured for the violation.

George Edward S. Pettigrew (Claiborne County)

On January 29, 2015, George Edward S. Pettigrew, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

PUBLIC CENSURES (continued)

Mr. Pettigrew provided financial assistance to his client by providing her with the use of his personal automobile while her cases were pending. Mr. Pettigrew falsely reported to the Board and falsely testified before the court that he had not loaned his automobile to his client.

By these acts, Mr. Pettigrew, has violated Rules of Professional Conduct 1.8(e) (conflict of interest), 3.3 (candor toward tribunal), 8.1(a) (disciplinary matters), and 8.4(a) and (d) (misconduct) and is hereby Publicly Censured for these violations.

William Caldwell Hancock (Davidson County)

On February 9, 2015, William Caldwell Hancock, of Nashville, Tennessee, was publicly censured by Order of the Tennessee Supreme Court.

The Board of Professional Responsibility filed a Petition for Discipline based upon a complaint of misconduct filed against Mr. Hancock. Mr. Hancock was suspended on August 21, 2013 for failure to complete continuing legal education requirements. While suspended, Mr. Hancock engaged in the unauthorized practice of law by continuing to represent a client. Mr. Hancock drafted and filed legal pleadings on behalf of a client. Mr. Hancock entered into a conditional guilty plea consenting to a public censure.

Mr. Hancock's actions violate the following Rules of Professional Conduct: 5.5(a), Unauthorized Practice of Law; and 8.4(a), Misconduct.

Andrew Nathan Hall (Morgan County)

On February 12, 2015, Andrew Nathan Hall, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Hall was retained to represent clients in bankruptcy proceedings. They paid a total of over \$2,400 in attorney's fees and filing fees. However, for over a year, Mr. Hall took no action in the case. When the clients called Mr. Hall's office, they were repeatedly told the bankruptcy petition would be filed shortly, but nothing was done until the clients filed a disciplinary complaint against Mr. Hall.

By these acts, Andrew Nathan Hall has violated Rule of Professional Conduct 1.1 (competence), 1.3 (diligence), 1.4 (communication), and 3.2 (expediting litigation) and is hereby Publicly Censured for these violations.

William Robert Bruce (Shelby County)

On February 20, 2015, William R. Bruce, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

PUBLIC CENSURES (continued)

Mr. Bruce entered a plea to Criminal Attempt Possession of a Controlled Substance, which is a misdemeanor. The charge was later dismissed as a result of the completion of a diversion program.

By these acts, William R. Bruce has violated Rule of Professional Conduct 8.4(b) (misconduct) and is hereby Publicly Censured for this violation.

Steven Edward Sams (Knox County)

On February 26, 2015, Steven Edward Sams, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

After being temporarily suspended from the practice of law, Mr. Sams engaged in the unauthorized practice of law by entering into an engagement agreement with a client in an immigration asylum case. Mr. Sams misled the client by representing that he was working on an appeal in the asylum case. The client discovered that no appeal had been timely filed and that Mr. Sams' license to practice law had been suspended. On November 26, 2014, Mr. Sams was disbarred for misconduct in an unrelated case.

By these acts, Steven Edward Sams has violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 1.16 (terminating representation), and 5.5 (unauthorized practice of law), and is hereby Publicly Censured for these violations.

Gerald Stanley Green (Shelby County)

On February 27, 2015, Gerald Stanley Green, of Memphis, Tennessee, was publicly censured by the Supreme Court of Tennessee.

The Board of Professional Responsibility filed a Petition for Discipline against Gerald Stanley Green on June 4, 2014, based upon two related complaints of misconduct arising from Mr. Green's representation of a client during the appeal of a criminal conviction. Mr. Green failed to file a statement of the evidence as required by Rule 24 of the Rules of Appellate Practice, filed a brief without citations to the record, and failed to present an oral argument to the Court of Appeals.

A hearing panel for the Board of Professional Responsibility found Mr. Green's actions violated Rules of Professional Conduct 1.1 (competence) and 1.3 (diligence).

John Bennett Iwu (Davidson County)

On April 15, 2015, John Bennett Iwu, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court. Mr. Iwu practiced law in Georgia while his license to do so was administratively suspended. By these acts, Mr. Iwu

PUBLIC CENSURES (continued)

violated Rule of Professional Conduct 5.5 (unauthorized practice of law) and is hereby Publicly Censured for this violation.

Eric Lyndol Davis (Williamson County)

On April 16, 2015, Eric Lyndol Davis, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Davis received three disciplinary complaints all of which detailed issues concerning his alcohol abuse. Mr. Davis communicated threats to others, was convicted of driving under the influence, and was found to have serious alcohol problems by Order of the court in a custody dispute. Additionally, Mr. Davis disclosed confidential information of a former client in litigation against the former client.

By these acts, Eric Lyndol Davis has violated Rule of Professional Conduct 1.9(c) (duties to former clients) and 8.4(b) (misconduct) and is hereby Publicly Censured for these violations.

Jay R. Slobey (Davidson County)

On April 20, 2015, Jay R. Slobey, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

A client hired Mr. Slobey to represent him in a federal case for violation of his rights, and Mr. Slobey filed the lawsuit. The defendant, thereafter, filed a motion to dismiss. Mr. Slobey asked opposing counsel for an extension of time to file a response to the motion. Opposing counsel agreed to a one-week extension of time. Mr. Slobey then filed a motion mistakenly stating that opposing counsel did not oppose a three-week extension of time. Opposing counsel immediately sent a letter to Mr. Slobey pointing out the error, and asking Mr. Slobey to comply with the agreement to file in one week. The court, however, granted Mr. Slobey's pending motion, providing a three-week extension. Opposing counsel then sought relief from the court. Mr. Slobey filed no response to the motion at any time. The motion to dismiss was granted.

Mr. Slobey never informed his client of the dismissal of the action. The client later discovered the dismissal when the client called the court. The client filed a civil malpractice action against Mr. Slobey which was settled.

By these acts, Mr. Slobey violated Rule 1.3 (diligence), 1.4 (communication), 3.2 (expediting litigation), 3.3 (candor to the tribunal), and 3.4 (fairness to opposing counsel). The client suffered harm, but also received a settlement in the legal malpractice action.

PUBLIC CENSURES (continued)

James D. R. Roberts, Jr. (Davidson County)

On April 20, 2015, James D. R. Roberts, Jr., an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

In an appellate brief, Mr. Roberts argued that the lower court had been “evasive and untruthful,” had “conduct[ed] unnecessary hearings and enter[ed] untruthful and harassing orders in order to cover up” its own improper conduct; and made improper findings against him “to deflect attention from its own illegal acts.”

In ruling against Mr. Roberts, the Court of Appeals noted that Mr. Roberts made “unwarranted accusations impugning the integrity” of the trial court and “baseless and improper assertions” designed to deflect attention away from his own “flagrant misconduct in the trial court.”

By these acts, James D. R. Roberts, Jr., violated Rule of Professional Conduct 8.2 (statements about judicial officers) and is hereby Publicly Censured for this violation.

John T. Harding (Sumner County)

On April 28, 2015, John T. Harding, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Harding failed to deposit a client’s refundable fee into his trust account and instead commingled the funds into his operating account. Mr. Harding also had his client enter into a fee agreement seven (7) months after his representation began which was more advantageous to Mr. Harding without advising his client of the reasonable opportunity to seek the advice of independent counsel.

By these acts, John Thompson Harding has violated Rule of Professional Conduct 1.5 (fees), 1.8(a) (conflict of interest), and 1.15 (safekeeping property) and is hereby Publicly Censured for these violations.

Joel Robert Bellis (Maury County)

On April 30, 2015, Joel Robert Bellis, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Bellis threatened to harm one of his former law partners which was confirmed after a full hearing in an Order of Protection proceeding.

By these acts, Joel Robert Bellis has violated Rule of Professional Conduct 8.4(b) (misconduct) and is hereby Publicly Censured for this violation. In addition, Mr. Bellis shall be required to attend and successfully complete an anger management program approved by the Tennessee Lawyers Assistance Program within one hundred eighty (180) days of issuance of this Public Censure.

PUBLIC CENSURES (continued)

David Sidney Eichholz (Savannah, Georgia)

On April 30, 2015, David Sidney Eichholz, of Savannah, Georgia, was publicly censured by the Supreme Court of Tennessee.

The Board of Professional Responsibility filed a Petition for Discipline against David Sidney Eichholz on August 20, 2014, based upon one complaint of misconduct. On May 14, 2012, Mr. Eichholz's Tennessee license was placed on inactive status at his request. While his Tennessee license was inactive, Mr. Eichholz accepted the representation of a client in a personal injury action pending in Memphis, Tennessee. Mr. Eichholz was contacted by the client's former lawyer and was informed the client did not intend to change counsel. During the conversation, Mr. Eichholz indicated he was licensed to practice law in Tennessee but did not disclose his license was inactive. Mr. Eichholz's professional letterhead and website also failed to disclose the inactive status of his Tennessee license. In mitigation, Mr. Eichholz withdrew from the representation immediately after contact with the client's former lawyer, made no formal appearance and took no action in the personal injury case pending in Memphis. Mr. Eichholz also modified his letterhead and website to comply with the Rules of Professional Conduct.

Mr. Eichholz entered a conditional guilty plea admitting he violated Supreme Court Rules of Professional Conduct 5.5 (unauthorized practice of law), 7.1 (communications concerning a lawyer's services), 7.5 (firm names and letterheads) and 8.4 (misconduct).

Charles James Friddell, Jr. (Davidson County)

On May 12, 2015, Charles James Friddell, Jr., of Nashville, was publicly censured by the Supreme Court of Tennessee.

The Board of Professional Responsibility filed a Petition for Discipline against Charles James Friddell, Jr., on July 31, 2014, based upon one complaint of misconduct arising from his involvement in a series of real estate financing transactions designed to protect certain personal assets of his client from business creditors. Mr. Friddell represented the buyer, seller and lender in the real estate transactions without obtaining the informed consent of his clients, confirmed in writing. Mr. Friddell prepared the real estate transaction documents, handled the foreclosure and trustee's sale, handled the real estate closing and recorded the deed of trust. Thereafter, Mr. Friddell learned no actual consideration had been paid but took no action to correct or disaffirm the recorded instruments and the fraudulent conveyance.

Mr. Friddell entered a conditional guilty plea admitting he violated Tennessee Rules of Professional Conduct 1.7, Conflict of Interest; 1.9, Duties to Former Clients; 2.2, Lawyer Serving as an Intermediary Between Clients; 4.1, Truthfulness in Statements to Others; and 8.4(a), Misconduct.

PUBLIC CENSURES (continued)

Ruth Ann Ambs (Knox County)

On June 25, 2015, Ruth Ann Ambs, formerly of Knoxville, was publicly censured by the Supreme Court of Tennessee.

The Board of Professional Responsibility filed a Petition for Discipline against Ruth Ann Ambs on January 21, 2015, based upon one (1) complaint of misconduct alleging a failure to reasonably communicate with her client, to refund unearned fees and to provide professional services for which she was retained. Ms. Ambs entered a conditional guilty plea, approved by a Hearing Panel for the Board, the Board and the Supreme Court, admitting she violated Tennessee Rules of Professional Conduct 1.4 (communication), 1.16(d)(6) (declining and terminating representation), and 8.4(a) (misconduct). In mitigation, Ms. Ambs experienced significant health issues and refunded her unearned fee.

On October 3, 2015, the Supreme Court of Tennessee entered an Order temporarily suspending Ms. Ambs' license to practice law for failure to respond to the Board concerning the complaint of misconduct. Ms. Ambs' temporary suspension was dissolved by the June 25, 2015 Order of Enforcement.

Edmund Victor Smith (Kentucky)

On September 1, 2015, Edmund Victor Smith, of Christian County, Kentucky was publicly censured by the Tennessee Supreme Court.

The Board of Professional Responsibility filed a Petition for Discipline, and a Supplemental Petition for Discipline, against Mr. Smith pursuant to Rule 9, Rules of the Supreme Court. Mr. Smith submitted a Conditional Guilty Plea acknowledging violations of Tennessee Supreme Court Rule 8, Rules of Professional Conduct 1.4 (communication); 1.5 (fees); 1.16(d) (6) (declining and terminating representation); and 8.4(a) (misconduct).

Mr. Smith did not promptly refund an advance payment of fees after he withdrew from representation. He also failed to enter into a written fee agreement with another client and did not adequately communicate with his clients.

Aaron Alexander Smith (North Carolina)

On August 27, 2015, Aaron Alexander Smith, of Charlotte, North Carolina, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Smith harassed and threatened a former acquaintance resulting in the issuance of a Restraining Order, the institution of misdemeanor criminal charges, and the filing of a civil action. Mr. Smith successfully completed a pre-trial intervention program and the criminal charges were dismissed and expunged. Mr. Smith reached a confidential settlement with the former acquaintance and the civil action was dismissed.

PUBLIC CENSURES (continued)

Barbara Sims Arthur (Hamilton County)

On August 25, 2015, Barbara Sims Arthur of Chattanooga, Tennessee was publicly censured by the Tennessee Supreme Court.

The Board of Professional Responsibility filed a Petition for Discipline against Ms. Arthur pursuant to Rule 9, Rules of the Supreme Court based upon two complaints. In the first complaint, Ms. Arthur prepared two Chapter 13 Bankruptcy petitions, but was unable to file them because she had not been reinstated to practice in the Bankruptcy Court following a previous suspension. Ms. Arthur's clients signed the Petitions as *pro se* litigants, indicating they were not represented by counsel and Ms. Arthur filed them. In the second case, Ms. Arthur's client had been served with a detainer warrant. Ms. Arthur represented to opposing counsel that the Bankruptcy Court had issued an automatic stay, when her file revealed that the request for a stay had been denied.

The Hearing Panel found that Ms. Arthur violated Tennessee Supreme Court Rule 8, Rules of Professional Conduct 1.1 (competence); 1.2 (scope of representation); 3.1 (meritorious claims and contentions); 3.3 (candor toward the tribunal); 4.1 (truthfulness in statements to others); and 8.4 (misconduct).

Thomas Anthony Travaglini (Davidson County)

On July 29, 2015, Thomas Anthony Travaglini, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Travaglini practiced law while his license was suspended for CLE noncompliance. Mr. Travaglini's law license was suspended from August of 2014 to January of 2015, yet he continued to file pleadings and appear in court.

Keith Alan Black (Hamilton County)

On July 16, 2015, Keith Alan Black, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Black failed to file an appellate brief in a criminal case, failed to respond to Criminal Court of Appeal orders regarding the brief, and was found in contempt of Court.

By these acts, Keith Alan Black has violated Rules of Professional Conduct 1.3 (diligence), Rule of Professional Conduct 8.4(d) (prejudice to administration of justice), and Rule 9, §11.3 (willful refusal to comply with a court order), and is hereby Publicly Censured for this violation.

PUBLIC CENSURES (continued)

James Gregory King (Davidson County)

On July 16, 2015, James Gregory King, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Rule of Professional Conduct 1.15 (safekeeping property) requires that funds belonging to the client be placed in a trust account and held separately from the lawyer's funds. Mr. King failed to deposit and/or maintain client funds which were paid for a court reporter in his IOLTA account. Additionally, Mr. King kept personal and operational funds in his IOLTA account and paid personal bills from his IOLTA account.

By these acts, James Gregory King has violated Rule of Professional Conduct 1.15 (safekeeping property) and is hereby Publicly Censured for this violation.

Kevin McLean Kelly (Davidson County)

On July 16, 2015, Kevin McLean Kelly, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Kelly entered a guilty plea to Driving Under the Influence. This was Mr. Kelly's second conviction for Driving Under the Influence.

By these acts, Kevin McLean Kelly has violated Rule of Professional Conduct 8.4(c) (criminal act reflecting adversely on lawyer's fitness) and is hereby Publicly Censured for this violation.

James Michael Marshall (Maury County)

On July 16, 2015, James Michael Marshall, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Marshall was convicted of two counts of assault against his former wife and former father-in-law. Mr. Marshall was also found to be in contempt of court in an unrelated civil matter for failure to pay court ordered child support, alimony, and medical costs.

By these acts, James Michael Marshall has violated Rules of Professional Conduct 8.4(b) and 8.4(g) (misconduct) and is hereby Publicly Censured for these violations.

Clement Dale Potter (Campbell County)

On July 9, 2015, Clement Dale Potter, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

PUBLIC CENSURES (continued)

In 2012, Mr. Potter, an assistant public defender, gave his client, who was a criminal defendant charged with attempted rape, incorrect advice regarding the requirements of the sex offender registry and lifetime community suspension. Thus, Mr. Potter failed to take reasonable steps to ensure that his client had all of the relevant information needed to make an intelligent decision as to whether to plead guilty. Based on Mr. Potter's erroneous advice, the Tennessee Court of Criminal Appeals allowed his client to withdraw his guilty plea.

By these acts, Mr. Potter has violated Rule of Professional Conduct 1.1 (competence), 1.3 (diligence) and 1.4 (communication), and is hereby Publicly Censured for these violation(s).

DISABILITY INACTIVE STATUS

Ira J. Katzman (Shelby County)

By Order of the Tennessee Supreme Court entered February 2, 2015, the law license of Ira J. Katzman was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Katzman cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

Patrick R. Egger (Cumberland County)

By Order of the Tennessee Supreme Court entered February 19, 2015, the law license of Patrick R. Egger was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Egger cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

Laura Elizabeth Mills (Knox County)

By Order of the Tennessee Supreme Court entered March 6, 2015, the law license of Laura Elizabeth Mills was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Ms. Mills cannot practice law while on disability inactive status. She may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and she is fit to resume the practice of law.

DISABILITY INACTIVE STATUS (continued)

William A. Davidson (Knox County)

By Order of the Tennessee Supreme Court entered March 17, 2015, the law license of William A. Davidson was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Davidson cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

David Gregory Hays (Shelby County)

By Order of the Tennessee Supreme Court entered April 28, 2015, the law license of David Gregory Hays was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Hays cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

Ashely Denise Preston (Davidson County)

By Order of the Tennessee Supreme Court entered May 26, 2015, the law license of Ashely Denise Preston was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Ms. Preston cannot practice law while on disability inactive status. She may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and she is fit to resume the practice of law.

Gayle A. Lattimore (Hamilton County)

By Order of the Tennessee Supreme Court entered June 15, 2105, the law license of Gayle A. Lattimore was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Ms. Lattimore cannot practice law while on disability inactive status. She may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and she is fit to resume the practice of law.

DISABILITY INACTIVE STATUS (continued)

Kenneth Ronald Worley (Washington County)

By Order of the Tennessee Supreme Court entered June 22, 2015, the law license of Kenneth Ronald Worley was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Worley cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

Anna Bentley Williams (Davidson County)

Order of the Tennessee Supreme Court entered September 9, 2015, the law license of Anna Bentley Williams was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Ms. Williams cannot practice law while on disability inactive status. She may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and she is fit to resume the practice of law.

Jack Edward Seaman (Davidson County)

By Order of the Tennessee Supreme Court entered September 9, 2015, the law license of Jack Edward Seaman was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Seaman cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

Vincent Zuccaro (Williamson County)

By Order of the Tennessee Supreme Court entered September 9, 2015, the law license of Vincent Zuccaro was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Zuccaro cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

DISABILITY INACTIVE STATUS (continued)

Walter F. Williams (Hamilton County)

By Order of the Tennessee Supreme Court entered August 25, 2015, the law license of Walter F. Williams was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Williams cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

William M. Monroe (Shelby County)

By Order of the Tennessee Supreme Court entered August 24, 2015, the law license of William M. Monroe was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Monroe cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

Jon Alan Ballew (Knox County)

By Order of the Tennessee Supreme Court entered August 12, 2015, the law license of Jon Alan Ballew was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Ballew cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

John Thomas Jones (Knox County)

By Order of the Tennessee Supreme Court entered August 11, 2015, the law license of John Thomas Jones was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9. Prior to being placed on disability inactive status, Mr. Jones' license to practice law had been temporarily suspended by the Supreme Court on July 24, 2015, after the Court determined that Mr. Jones had misappropriated funds and posed a threat of substantial harm to the public. The Court's August 11, 2015 Order did not remove the temporary suspension.

Mr. Jones cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

DISABILITY INACTIVE STATUS (continued)

William James Davis (Mississippi)

By Order of the Tennessee Supreme Court entered July 14, 2015, the law license of William James Davis of Pope, Mississippi was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Davis cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

Edwin Barrett Charles (Washington County)

By Order of the Tennessee Supreme Court entered July 14, 2015, the law license of Edwin Barrett Charles was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Charles cannot practice law while on disability inactive status. He may return to the practice of law after reinstatement by the Tennessee Supreme Court upon showing of clear and convincing evidence that the disability has been removed and he is fit to resume the practice of law.

REMOVED FROM DISABILITY INACTIVE STATUS

Keith Lane Edmiston (Knox County)

On August 24, 2015, the Supreme Court of Tennessee issued an Order removing Keith Lane Edmiston from disability inactive status. Mr. Edmiston's law license was moved to disability inactive by Order of the Supreme Court on December 2, 2013. Mr. Edmiston petitioned the Court to return the status of his license to active status on April 17, 2015.

REINSTATEMENTS

John Robert Hershberger (Shelby County)

On January 21, 2015, the Supreme Court of Tennessee reinstated John Robert Hershberger to the active practice of law. Mr. Hershberger had been suspended by the Supreme Court of Tennessee on May 30, 2014, for a period of two (2) years, with sixty (60) days served as an active suspension and the remainder on probation. On December 15, 2014, Mr. Hershberger submitted documentation to the Board of Professional Responsibility demonstrating that all conditions for reinstatement to the active practice of law have been met; therefore, he is reinstated and will now be placed on probation for the remainder of the two (2) year period.

REINSTATEMENTS (continued)

Venita Marie Martin (Shelby County)

Venita Marie Martin has been reinstated to the practice of law by order of the Tennessee Supreme Court effective January 27, 2015. Ms. Martin is also ordered to pay the Board's costs in this matter.

Ms. Martin was temporarily suspended from the practice of law by Order of the Supreme Court on November 13, 2014, for failing to respond to a complaint of misconduct. On December 11, 2014, Ms. Martin filed a Petition for Reinstatement from Temporary Suspension. On January 12, 2015, a Hearing Panel entered a recommendation that the temporary suspension be dissolved.

Gary N. Lovellette (Putnam County)

On February 2, 2015, the Supreme Court of Tennessee reinstated the law license of Gary N. Lovellette. Mr. Lovellette had been temporarily suspended by the Supreme Court of Tennessee on November 26, 2014, for failing to respond to the Board of Professional Responsibility regarding a complaint of misconduct. Section 4.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's failure to respond to the Board regarding a complaint of misconduct. Mr. Lovellette filed a Petition to Dissolve Temporary Suspension on January 6, 2015, asking the Court to reinstate him. A Hearing Panel appointed to hear the Petition recommended to the Supreme Court that the temporary suspension be dissolved. Mr. Lovellette was ordered to pay costs and expenses of the proceeding.

Ramsdale O'DeNeal, Jr. (Davidson County)

On February 23, 2015, the Supreme Court of Tennessee reinstated Ramsdale O'DeNeal, Jr., to the practice of law. Mr. O'DeNeal had been suspended by the Supreme Court of Tennessee on April 7, 2009, for a period of (1) year.

On May 23, 2014, Mr. O'DeNeal filed a Petition for Reinstatement to the practice of law and a hearing was held before the Hearing Panel on October 21, 2014. A Hearing Panel found that Mr. O'DeNeal demonstrated the moral qualifications, competency and learning in the law required for the practice of law, and that his resumption of the practice of law will not be detrimental to the integrity or standing of the bar or administration of justice, or subversive to the public interest. Based upon the Hearing Panel's recommendation and upon notification from the Department of Revenue that he is in good standing, the Supreme Court reinstated Mr. O'DeNeal's license to practice law.

John Edward Herbison (Montgomery County)

On February 24, 2015, the Supreme Court of Tennessee reinstated John Edward Herbison, Jr., to the practice of law. Mr. Herbison had been suspended by the Supreme Court of Tennessee on November 20, 2014, for a period of eighteen (18) months with sixty (60) days of the suspension to be served as an active suspension

REINSTATEMENTS (continued)

and the remaining sixteen (16) months on probation. Upon reinstatement to the practice of law, Mr. Herbison will begin service of his probationary period.

On February 2, 2015, Mr. Herbison filed a Petition for Reinstatement to the practice of law. Pursuant to Tennessee Supreme Court, Rule 9, Section 30.4 (c), the Board verified the conditions required for reinstatement were satisfied and filed a Notice of Submission with the Supreme Court on February 23, 2015, indicating Mr. Herbison was eligible for reinstatement to the practice of law. The Order of Reinstatement entered February 24, 2015, was effective upon filing.

Elizabeth Catherine Cox Velasquez (Sevier County)

On April 8, 2015, the Supreme Court of Tennessee reinstated Elizabeth Catherine Cox (now Elizabeth Catherine Velasquez) to the practice of law. Ms. Velasquez was suspended from the practice of law by Order of this Court on January 30, 2015, for a period of three (3) years retroactive to February 3, 2014, with one (1) year to be served on active suspension and the remaining two (2) years served on probation subject to certain conditions set forth in the Order of Enforcement. Ms. Velasquez will begin her probationary period upon reinstatement to the active practice of law.

On February 2, 2015, Ms. Velasquez filed a Petition for Reinstatement to the practice of law. Pursuant to Tennessee Supreme Court, Rule 9, Section 30.4 (c), the Board verified the conditions required for reinstatement were satisfied and filed a Notice of Submission with the Supreme Court indicating Ms. Velasquez was eligible for reinstatement to the practice of law. The Order of Reinstatement entered April 8, 2015, was effective upon filing.

Angela Jenkins-Hines (Madison County)

On April 13, 2015, the Supreme Court of Tennessee reinstated Angela Jenkins-Hines to the practice of law. Ms. Jenkins-Hines was suspended from the practice of law by Order of the Court on January 23, 2015, for a period of one (1) year, with sixty (60) days to be served on active suspension and the remainder to be served on probation subject to certain conditions set forth in the Order of Enforcement. Ms. Jenkins-Hines will begin her probationary period upon reinstatement to the active practice of law.

On March 12, 2015, Ms. Jenkins-Hines filed a Petition for Reinstatement to the practice of law. Pursuant to Tennessee Supreme Court, Rule 9, Section 30.4(c), the Board verified that the conditions required for reinstatement were satisfied and filed a Notice of Submission with the Supreme Court indicating Ms. Jenkins-Hines was eligible for reinstatement to the practice of law. The Order of Reinstatement entered April 13, 2015, was effective upon filing.

Mary Jeanette Clement (Sumner County)

On May 8, 2015, the Supreme Court of Tennessee reinstated Mary Jeanette Clement to the practice of law. On June 30, 2014, Ms. Clement was suspended from the practice of law by Order of the Tennessee

REINSTATEMENTS (continued)

Supreme Court for a period of two (2) years with nine (9) months of the suspension is to be served as an active suspension and fifteen (15) months to be served on probation with conditions. Ms. Clement will begin her probationary period upon reinstatement to the active practice of law.

On April 7, 2015, Ms. Clement filed a Petition for Reinstatement to the practice of law. Pursuant to Tennessee Supreme Court, Rule 9, Section 30.4 (c), the Board verified that the conditions required for reinstatement were satisfied and filed a Notice of Submission with the Supreme Court indicating Ms. Clement was eligible for reinstatement to the practice of law. The Order of Reinstatement entered May 8, 2015, was effective upon filing.

Yarboro Ann Sallee (Knox County)

On June 8, 2015, the Supreme Court of Tennessee dissolved the temporary suspension of Yarboro Ann Sallee. Ms. Sallee had been temporarily suspended by the Supreme Court on February 6, 2015, for failing to respond to the Board of Professional Responsibility regarding a complaint of misconduct. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to practice law in cases of an attorney's failure to respond to the Board regarding a complaint of misconduct. Thereafter, Ms. Sallee filed a response with the Board and petitioned for reinstatement. A hearing panel recommended to the Supreme Court that the temporary suspension be dissolved. Ms. Sallee was ordered to pay costs and expenses of the proceeding.

William C. Gosnell (Shelby County)

On June 9, 2015, the Supreme Court of Tennessee reinstated the law license of William C. Gosnell to active status. Pursuant to a Notice of Contention of Disability filed on December 18, 2014, the Supreme Court transferred Mr. Gosnell's license to disability inactive status by Order dated December 23, 2014, and referred the matter to a hearing panel to determine Mr. Gosnell's capacity to practice law and respond to or defend against a disciplinary complaint. A hearing panel determined Mr. Gosnell failed to demonstrate he suffered from a disability which makes it impossible for him to respond to or defend against the underlying disciplinary complaint and recommended the Supreme Court dissolve the Order of December 23, 2014. The Order reinstating Mr. Gosnell's license to practice law is effective June 9, 2015.

William Caldwell Hancock (Davidson County)

On June 15, 2015, the Supreme Court of Tennessee reinstated William Caldwell Hancock to the practice of law. Mr. Hancock was suspended from the practice of law by Order of the Court on September 30, 2014, for a period of thirty (30) days.

On May 6, 2015, Mr. Hancock filed a Petition for Reinstatement to the practice of law. Pursuant to Tennessee Supreme Court, Rule 9, Section 30.4(c), the Board verified that the conditions required for reinstatement were satisfied and filed a Notice of Submission with the Supreme Court indicating Mr. Hancock

REINSTATEMENTS (continued)

was eligible for reinstatement to the practice of law. The Order of Reinstatement entered June 15, 2015, was effective upon filing.

Jamie Ellen Machamer (Davidson County)

Jamie Ellen Machamer has been reinstated to the practice of law by order of the Tennessee Supreme Court effective June 16, 2015. Ms. Machamer is also ordered to pay the Board's costs in this matter.

Ms. Machamer was temporarily suspended from the practice of law by Order of the Supreme Court on May 28, 2015, for failing to respond to a complaint of misconduct. On June 1, 2015, Ms. Machamer filed a Petition to Dissolve Order of Temporary Suspension. On June 11, 2015, a Hearing Panel entered a recommendation that the temporary suspension be dissolved.

Mitchell Stanley Givens (Washington County)

On September 22, 2015, the Supreme Court of Tennessee reinstated Mitchell Stanley Givens to the practice of law pursuant to Tennessee Supreme Court, Rule 9, Section 30.4(c) (2014). Mr. Givens' license to practice law was suspended by Order of the Court on August 13, 2015, for a period of one (1) year, with thirty (30) days to be served as an active suspension. Mr. Givens filed a Petition for Reinstatement on August 31, 2015.

William S. Lockett (Knox County)

On July 27, 2015, the Supreme Court of Tennessee reinstated William S. Lockett to the practice of law effective immediately. Mr. Lockett had been suspended by the Supreme Court of Tennessee on July 3, 2012, for a period of four (4) years, retroactive to April 13, 2010. Mr. Lockett filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4(d) (2014).

A Hearing Panel found that Mr. Lockett complied with the terms and conditions of his suspension, and further found that he had demonstrated the moral qualifications, competency and learning in the law required for the practice of law, and that his resumption of the practice of law will not be detrimental to the integrity or standing of the bar or administration of justice, or subversive to the public interest. Based upon the Hearing Panel's recommendation, the Supreme Court reinstated Mr. Lockett's license to practice law.

Patricia Lynne Stolinsky (Wilson County)

On July 8, 2015, the Supreme Court of Tennessee reinstated the law license of Patricia Lynne Stolinsky. Ms. Stolinsky had been temporarily suspended by the Supreme Court of Tennessee on April 17, 2015, for failing to respond to the Board of Professional Responsibility regarding a complaint of misconduct. Section 12.3 of Supreme Court Rule 9 provides for the immediate summary suspension of an attorney's license to

REINSTATEMENTS (continued)

practice law in cases of an attorney's failure to respond to the Board regarding a complaint of misconduct. Ms. Stolinsky filed a Petition to Dissolve Temporary Suspension on May 22, 2015, asking the Court to reinstate her. A Hearing Panel appointed to hear the Petition recommended to the Supreme Court that the temporary suspension be dissolved. Ms. Stolinsky was ordered to pay costs and expenses of the proceeding.