

FREQUENTLY ASKED QUESTIONS REGARDING SUSPENDED LAWYERS

1. May a suspended attorney file a motion to withdraw or substitution of counsel? **Yes. *A suspended attorney who files a motion to withdraw or a motion for substitution of counsel does not engage in the unauthorized practice of law. Such conduct is consistent with the suspended lawyer's obligation to make appropriate arrangements for the disposition of matters in the lawyer's care in conformity with the clients' wishes. Tenn. Sup. Ct. R. 9 § 28.7.***¹
2. May a suspended attorney make a court appearance in conjunction with a motion to withdraw or substitution of counsel? **Yes. *A suspended attorney who makes a court appearance on a motion to withdraw or a motion for substitution of counsel does not engage in the unauthorized practice of law. Such conduct is consistent with the suspended lawyer's obligation to make appropriate arrangements for the disposition of matters in the lawyer's care in conformity with the clients' wishes. Tenn. Sup. Ct. R. 9 § 28.7.***
3. May a suspended attorney continue to work at a law office as a paralegal? **No. *Doing so would violate Tenn. Sup. Ct. R. 8, RPC 5.5(h).***
4. May a suspended attorney continue to receive a paycheck from the attorney's firm? **Yes, *if the paycheck is for legal work performed prior to the suspension.***
5. If the suspended attorney's name is in the firm's name, must the firm change the name while the attorney is suspended? If so, must the firm print new letterhead, get a new sign, new website, etc.? ***It is considered the unauthorized practice of law for a suspended lawyer to hold himself out as authorized to practice law. It is also "false and misleading" for a***

¹ The answers are the opinion of Disciplinary Counsel for the Board of Professional Responsibility of the Supreme Court of Tennessee.

suspended lawyer to continue advertising and using letterhead, notices, and signage which state or imply that he is available to perform legal services. A lawyer should therefore take all practical steps to alter the content or discontinue use of any medium of communication which advertises the suspended lawyer's availability. However, a firm must amend its letterhead and all website and other advertising to either delete the name of the suspended lawyer or otherwise indicate his ineligibility to practice. Tenn. Sup. Ct. R. 9 § 28.8

6. May the suspended attorney represent himself/herself *pro se* in a court proceeding? **Yes.**
7. Does the suspended attorney need to continue paying his/her annual registration fee and submit the mandatory IOLTA form? **Yes, all requirements pursuant to Tenn. Sup. Ct. R. 9 § 10 for registration and payment of annual registration fees apply to suspended attorneys.**