

BOARD NOTES

published by the
Board of Professional Responsibility
of the
Supreme Court of Tennessee

Spring 2017



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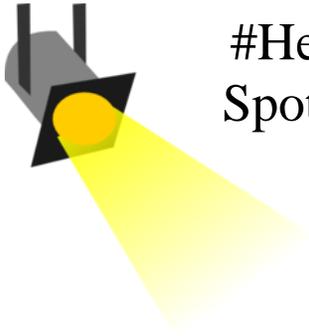
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The goal of the Board is to protect the public through the enforcement of the Court's disciplinary rules and to assist the public, attorneys and the judiciary by providing information and resources about the disciplinary process, the Court's disciplinary rules and the judicial system in general. With that goal in mind, we hope that the information contained within this edition of *Board Notes* will be of assistance to all the groups we serve.



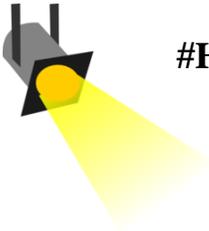
#Help4TNDay Access to Justice Initiative (ATJ) Spotlights Professional Responsibility to Perform Pro Bono Services

**By Marcia “Marcie” Eason, ATJ Commission Chair, and
Anne-Louise Wirthlin, ATJ Coordinator**

Tennessee attorneys have a professional responsibility to provide legal services to those who are unable to pay. Almost ten years ago, the Tennessee Supreme Court launched its Access to Justice Initiative. The Access to Justice Commission was created. As part of its continuing focus on meeting unmet legal needs for Tennessee citizens of poverty level or limited means, the Court has amended the rules governing attorneys. The ethical obligation that attorneys have under the Rules of Professional Responsibility can be met in a number of different ways outlined by the Tennessee Supreme Court. See Rule 8, 6.1; Rule 9, 10.2(d); Rules 50, 50A e.g., how an attorney decides to meet his or her professional responsibilities is a matter of individual choice.

The Tennessee Supreme Court is seeking to raise public awareness, and the awareness of attorneys throughout the state. The Tennessee Supreme Court declared Saturday, April 1, 2017 as #Help4TNDay where Tennesseans were able to get free legal help online or in person at clinics and public education events in their area. Attorneys had the opportunity to volunteer their time to assist disadvantaged Tennesseans at pro bono civil legal advice clinics, expungement clinics, *Know Your Rights* presentations, and other events. The members of the Tennessee Supreme Court participated personally and kicked off the events in mid-March with five simultaneous press conferences, bringing attention to the on-going and growing need for free and low cost civil legal services in Tennessee and highlighting the groups that provide these services. The initiative ended in mid-April. There were over 50 events throughout the state during the #Help4TNDay public awareness campaign. The Tennessee Supreme Court tasked its Access to Justice Commission with carrying out the #Help4TNDay initiative.

For example, the Tennessee Supreme Court sponsored a free continuing legal education presentation in Nashville as part of #Help4TNDay to educate area attorneys on pro bono opportunities. The Tennessee Alliance for Legal Services (TALS) and the Legal Aid Society of Middle Tennessee and the Cumberland were featured, and provided attorneys with information on numerous pro bono opportunities. Justice Cornelia Clark introduced the attendees to the Tennessee Faith & Justice Alliance (the “TFJA”), an initiative of the ATJ Commission. The TFJA is an alliance of faith-based groups in Tennessee who commit to provide legal resources to congregations and communities. The goal is to attract attorneys who are not currently involved in pro bono work and connect them to low income Tennesseans who seek help at their places of worship. Attorneys who attended the free CLE event were requested to complete and return cards indicating how they will volunteer to perform pro bono service in 2017.



#Help4TNDay Access to Justice Initiative (ATJ) Spotlights Professional Responsibility to Perform Pro Bono Services

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The aspirational goal is found in Tenn. Sup. Ct. R. 8, RPC 6.1: “every lawyer, regardless of professional prominence or professional workload, has a responsibility to provide legal services to those unable to pay, and personal involvement in the problems of the disadvantaged can be one of the most rewarding experiences in the life of a lawyer.” Lawyers should aspire to provide 50 hours of pro bono legal work per year. The Supreme Court has created a recognition program, *Attorneys for Justice*, to publicly recognize attorneys who volunteer 50 or more hours of pro bono work in a year, and a similar recognition program for law students has been embraced by law schools located in Tennessee.

Amendments to Supreme Court Rules now permit attorneys to provide pro bono legal service who previously were not authorized to do so. Government-employed lawyers and judicial staff lawyers are now permitted to do pro bono work, as are lawyers admitted in other states and retired attorneys. The Supreme Court revised Tenn. Sup. Ct. R. 8, RPC 6.5 to permit lawyers to provide limited scope representation and relaxed the conflicts of interest checks for attorneys doing limited pro bono representation in certain settings. The Supreme Court modified Tenn. Sup. Ct. Rule 9, Sec. 20.11 to request that every attorney voluntarily report their pro bono work when they renew their license with the BPR. Attorneys also now have an option to donate to an Access to Justice Fund when they renew their licenses as a method of supporting pro bono service. Donated funds are distributed to organizations that provide direct pro bono civil legal representation to disadvantaged Tennesseans on an annual basis. In the first year, attorneys donated over \$76,000 to the ATJ Fund. Attorneys who provide pro bono services now also have more opportunities to receive CLE credit for that work than in the past, and have access to malpractice insurance through the TFJA.

The ATJ Commission is deeply grateful to have the support of the entire Tennessee Supreme Court. #Help4TNDay would not have been as successful without the Court’s continued commitment to access to justice for all Tennesseans. More information on the ATJ initiative can be found at <http://www.tncourts.gov/programs/access-justice> or by contacting the ATJ Coordinator at ATJInfo@tncourts.gov.

Supreme Court Amends Tennessee Supreme Court Rules 8, 9 and 43 regarding Trust Funds in Credit Unions

On October 4, 2016, the Tennessee Supreme Court entered an Order adopting amendments to Tenn. Sup. Ct. R. 8 and 43 pursuant to a Petition filed by the Board of Professional Responsibility and the Tennessee Bar Foundation allowing attorneys to deposit trust funds in federally insured credit unions. The amendments are as follows:

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[Amend Rule 8, RPC 1.15 as indicated below; deleted text is indicated by overstriking, and new text is indicated by underlining:]

Rule 1.15: Safekeeping Property and Funds

(b) Funds belonging to clients or third persons shall be deposited in a separate account maintained in a financial institution, deposits of which are insured by the Federal Deposit Insurance Corporation (FDIC) and/or National Credit Union Association (NCUA), ~~an FDIC member depository institution,~~ having a deposit-accepting office located in the state where the lawyer's office is situated (or elsewhere with the consent of the client or third person) and which participates in the required overdraft notification program as required by Supreme Court Rule 9, Section 35.1. A lawyer may deposit the lawyer's own funds in such an account for the sole purpose of paying financial institution service charges or fees on that account, but only in an amount reasonably necessary for that purpose. Other property shall be identified as such and appropriately safeguarded. Complete records of such funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation.

[Amend Rule 9, section 35.2(a) as indicated below; deleted text is indicated by overstriking, and new text is indicated by underlining:]

35.2: Verification of ~~Bank~~Financial Institution Accounts.

(a) Generally, when Disciplinary Counsel has probable cause to believe that ~~bank~~financial institutions accounts of an attorney that contain, should contain or have contained funds belonging to clients have not been properly maintained or that the funds have not been properly handled, Disciplinary Counsel shall request the approval of the Chair or Vice-Chair of the Board to initiate an investigation for the purpose of verifying the accuracy and integrity of all ~~bank~~financial institution accounts maintained by the attorney. If the Chair or Vice-Chair approves, Disciplinary Counsel shall proceed to verify the accuracy of the ~~bank~~financial institutions accounts.

Supreme Court Amends Tennessee Supreme Court Rules 8, 9 and 43 regarding Trust Funds in Credit Unions

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[Amend Rule 43, section 9 as indicated below; new text is indicated by underlining:]

Section 9. Deductions by the financial institution from interest earned may only be for allowable reasonable service charges or fees calculated in accordance with the institution's standard practice for non-IOLTA customers. For purposes of this Rule, "allowable reasonable service charges or fees" are defined as:

- (a) per check or electronic debit charges;
- (b) per deposit or electronic credit charges;
- (c) a fee in lieu of minimum balance;
- (d) FDIC insurance fees or FDIC account guarantee fees and/or NCUA insurance fees or NCUA account guarantee fees;
- (e) a sweep fee; and
- (f) a reasonable IOLTA account administrative fee.

Other financial institution service charges or fees shall not be deducted from IOLTA account interest and shall be the responsibility of, and may be charged to, the lawyer or law firm maintaining the IOLTA account. Nothing in this Rule shall be construed to require that a financial institution charge fees on an IOLTA account, nor does anything in this Rule prohibit a financial institution from waiving or discounting fees associated with an IOLTA account.

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Board of Professional Responsibility Current List of Approved Credit Unions:

- Heritage South Community Credit Union, Shelbyville, TN
- Horizon Credit Union, Kingsport, TN
- Northeast Community Credit Union, Elizabethton, TN
- ORNL Federal Credit Union, Oak Ridge, TN
- Tennessee Valley Federal Credit Union, Chattanooga, TN
- TN Connect Credit Union, Knoxville, TN

Supreme Court Amends Tennessee Supreme Court Rule 19 regarding Pro Hac Vice

On January 25, 2017, the Supreme Court of Tennessee entered an Order amending Rule 19 to eliminate a potential conflict between Rule 19 and Rule 7, Section 5.01(g)(8), as follows:

AMENDMENTS TO TENN. SUP. CT. R. 19

[New text is indicated by underlining/Deleted text is indicated by striking]

Rule 19. Appearance *Pro Hac Vice* in Proceedings Before Tennessee Agencies and Courts by Lawyers Not Licensed to Practice Law in Tennessee.

A lawyer not licensed to practice law in Tennessee, licensed in another United States jurisdiction, and who either resides outside Tennessee or resides in Tennessee and has been permitted to practice in this State pursuant to Rule 7, section 5.01(g) of these Rules shall be permitted to appear *pro hac vice*, file pleadings, motions, briefs, and other papers and to fully participate in a particular proceeding before a trial or appellate court of Tennessee, or in a contested case proceeding before a state department, commission, board, or agency (hereinafter “agency”), if the lawyer complies with the following conditions:

(a) A lawyer not licensed to practice law in Tennessee and who either resides outside Tennessee or resides in Tennessee and has been permitted to practice in this State pursuant to Rule 7, section 5.01(g) of these Rules is eligible for admission *pro hac vice* in a particular proceeding pending before a court or agency of the State of Tennessee:

(1) if, in the case of a lawyer who resides outside Tennessee, the lawyer is licensed, in good standing, and admitted to practice before the court of last resort in another state or territory of the United States or the District of Columbia in which the lawyer maintains a residence or an office for the practice of law; or, in the case of a lawyer who resides in Tennessee and has been permitted to practice in this State pursuant to Rule 7, section 5.01(g) of these Rules, the lawyer is licensed, in good standing, and admitted to practice before the court of last resort in another state or territory of the United States or the District of Columbia in which the lawyer maintained a residence or an office for the practice of law; and

(2) if the lawyer is in good standing in all other jurisdictions in which the lawyer is licensed to practice law; and

(3) if the lawyer has been retained by a client to appear in the proceeding pending before that court or agency.

Supreme Court Amends Tennessee Supreme Court Rule 8

On March 6, 2017, the Tennessee Supreme Court entered an Order amending Tenn. Sup. Ct. R. 8. On July 11, 2016, the Tennessee Bar Association (TBA) filed a Petition asking the Court to amend selected portions of Rule 8 in light of similar revisions to the American Bar Association's Model Rules of Professional Conduct that were adopted by the ABA's House of Delegates in August, 2012. In addition, the TBA also proposed a number of housekeeping amendments to Rule 8. On August 18, 2016, the Court entered an order soliciting comments on the proposed amendments. The Court received comments from the Board of Professional Responsibility and the Knoxville Bar Association. After due consideration, the Supreme Court entered an Order on March 6, 2017, adopting the proposed amendments as set out in the Appendix attached to the Order. ([Read the Order.](#))

The amendments took effect immediately upon the filing of the Order and impact the following Rules of Professional Conduct and/or Comments to the Rules:

- Rule 1.0 – Terminology
- Rule 1.1 – Competence
- Rule 1.4 – Communication
- Rule 1.6 – Confidentiality of Information
- Rule 1.11 – Special Conflict of Interest for Former and Current Government Officers and Employees
- Rule 1.17 – Sale of Law Practice
- Rule 1.18 – Duties to Prospective Clients
- Rule 3.5 – Impartiality and Decorum of the Tribunal
- Rule 4.4 – Respect for the Rights of Third Persons
- Rule 5.3 – Responsibilities regarding Non-lawyer Assistants
- Rule 5.5 – Unauthorized Practice of Law; Multijurisdictional Practice of Law
- Rule 7.1 – Communications concerning a Lawyer's Services
- Rule 7.2 – Advertising
- Rule 7.3 – Solicitation of Potential Clients
- Rule 8.4 – Misconduct
- Rule 8.5 – Disciplinary Authority; Choice of Law

Supreme Court Appoints New Board Members

The Tennessee Supreme Court has appointed Ruth Ellis, Tyreece Miller and Bridget Willhite as the newest members of the Board of Professional Responsibility of the Supreme Court of Tennessee. The Board considers and votes on disciplinary actions against attorneys and issues ethics opinions interpreting the Rules of Professional Conduct. Board members do not receive compensation for their service. The Board consists of nine lawyers from each disciplinary district and three public (non-lawyer) members from each of the grand divisions of the state.

Ms. Ellis is a founding member and Manager of Ellis Law Firm, PLLC, in Knoxville, focusing on civil and criminal litigation in State and Federal trial and appellate courts and office practice in civil matters. Previously she was an adjunct professor at the University of Tennessee College of Law. She is also a past President and member of the Board of Governors of the Knoxville Bar Association; and an active member and past President of the Hamilton Burnett Chapter of the American Inns of Court.

Mr. Miller, a native of Jackson, Tennessee, was appointed Deputy Chief of Police and Commander of Operational Support for the Jackson Police Department in 2016, having started with the department in 1997 as a patrol officer. He has received numerous commendations and awards, including the 2013 recipient of the Liberty Bell Award given by the Jackson-Madison County Bar Association. Deputy Chief Miller is a U.S. Marine veteran and earned a Bachelor of Science in Criminal Justice from Bethel University.

Ms. Willhite practices with Carter, Harrod and Willhite, PLLC, of Athens, Tennessee, handling general civil litigation in State and Federal courts. She has extensive mediation and arbitration experience and has served as a substitute General Sessions Judge handling both civil and arraignment dockets. Since 2009 to date, she has served in the Tennessee House of Delegates and in 2015, Ms. Willhite received the Tennessee Bar Association's President's Award. She has also been a member of the Chattanooga Inn of Courts since 2010 and was an adjunct torts professor at Tennessee Wesleyan College from 2012-2013.



Ruth Ellis



Tyreece Miller



Bridget Willhite



Recognition of Former Board Members Michael Calloway, Margaret Craddock and Wade Davies

The Board of Professional Responsibility wishes to publicly recognize and thank former Board members Michael Calloway, Margaret Craddock and Wade Davies for their hard work and conscientious service as members of the Board. Both Mr. Calloway and Mr. Davies were appointed to the Board by the Supreme Court on January 1, 2011, serving on the Board until December 31, 2016. Mr. Calloway previously served as a Board member from 1986 through 1992 and as a Hearing Committee Member from 1983 through 1986 and also from 2009 through 2010. Mr. Davies was a Hearing Committee Member for the Board from March, 2008 through December 31, 2010. Ms. Craddock served as a lay member for the Board for four (4) years, from January 1, 2013 through December 31, 2016.

Supreme Court Appoints Hearing Committee Members

By Orders filed on March 20, 2017, the Supreme Court appointed or re-appointed Hearing Committee Members to assist with the disciplinary process. Hearing Committee Members review Disciplinary Counsels' recommendations regarding resolution of complaints and serve on three-member hearing panels conducting formal disciplinary hearings. Hearing Committee Members are not compensated for their service. Current Hearing Committee Members whose terms have not expired are not reflected in these Orders.

The following Hearing Committee Members have been appointed or re-appointed for a three-year term that will expire on March 16, 2020:

- District II:** Oliver D. Adams; John W. Butler; Virginia L. Couch; Karen G. Crutchfield; John P. Dreiser; John E. Eldridge; Gene Paul Gaby; Kenneth F. Irvine, Jr.; Mark E. Stephens; Kevin Teeters; Elizabeth Tonkin
- District III:** Melissa T. Blevins; Blair B. Cannon; W. Holt Smith
- District IV:** William Michael Corley; Christina H. Duncan; Joy B. Gothard; Robert W. Newman; Lynn Omohundro; Randall A. York
- District V:** Martha L. Boyd; Kenneth M. Bryant; Nathan Zale Dowlen; Paul C. Ney, Jr.; Aaron Tillman Raney; Abby R. Rubenfeld; Gary C. Shockley
- District VI:** Nathan Brown; Vanessa Pettigrew Bryan; Clinton L. Kelly; James Brandon McWherter; Dalton M. Mounger; Paul Brunson Plant; Philip Edward Schell; Timothy Patrick Underwood; Jeffery Keith Walker
- District VII:** R. Lowell Finney, III; Dewayne D. Maddox, III; Teresa Lynn Marshall; William Jay Reynolds; Clinton Hondo Scott
- District VIII:** William D. Bowen; Charles Anthony Maness; John L. Warner, III
- District IX:** Imad Abdullah; Thomas R. Branch; Thomas Patrick Cassidy, Jr.; Frank Childress; Ricky Dolan Click; Harriett Miller Halmon; Leslie Rae Isaacman; Julia Kavanagh; Timothy Paul Kellum; Charles F. Morrow; Ashley Patterson; Terrence O. Reed; Michael David Tauer

Formal Ethics Opinions

2017-F-162



On March 10, 2017, the Board of Professional Responsibility issued a Formal Ethics Opinion regarding the extent to which an ombudsman attorney may provide “limited legal advice” within the meaning of Tenn. Code Ann. Section 50-6-216(e)(3) which provides that “[a]n ombudsman who is not a licensed attorney shall not provide legal advice however, an ombudsman who is a licensed attorney may provide limited legal advice but shall not represent any party as the party’s attorney. No ombudsman shall make attorney referrals.”

A copy of Formal Ethics Opinion 2017-F-162 is attached.

BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE

FORMAL ETHICS OPINION 2017-F-162

The Board of Professional Responsibility has been requested by the State of Tennessee Bureau of Workers' Compensation Department of Labor and Workforce Development to issue a Formal Ethics Opinion regarding the extent to which an ombudsman attorney may provide "limited legal advice" within the meaning of Tenn. Code Ann. Section 50-6-216(e)(3) which provides that "[a]n ombudsman who is not a licensed attorney shall not provide legal advice however, an ombudsman who is a licensed attorney may provide limited legal advice but shall not represent any party as the party's attorney. No ombudsman shall make attorney referrals."

OPINION

An ombudsman attorney employed by the State of Tennessee Bureau of Worker's Compensation Department of Labor and Workforce Development may give limited legal advice to pro se litigants based on the guidelines set out herein without the creation of an attorney-client relationship and its protections between the ombudsman attorney and the pro se litigant with the informed written consent of the pro se litigant.

DISCUSSION

The Worker's Compensation Reform Act of 2013 created the court of workers' compensation claims to resolve all contested claims for workers' compensation benefits for injuries occurring after July 1, 2014. The Administrator of the Bureau of Workers' Compensation was charged with creating an ombudsman program to assist, in part, unrepresented parties to workers' compensation actions. The General Assembly recently amended Tenn. Code Ann. Section 50-6-216 to permit an ombudsman attorney to provide limited legal advice without representing any party. 2016 Pub. Ch. 1056.

The parties agreed on a settlement amount, and as a condition precedent to signing the settlement agreement Defendant demanded return of **all** documents produced which included Plaintiff counsel's work product.

ISSUES

1. If an ombudsman attorney provides “limited legal advice” pursuant to TCA 50-6-216(e)(3), is an attorney/client relationship created between the ombudsman attorney and party to whom advice is given?
2. If the answer to question 1 is yes, is it possible for an ombudsman attorney to provide “limited legal advice” pursuant to TCA 50-6-216(e)(3) to a self-represented litigant and still provide effective representation as required by the Tennessee Rules of Professional Conduct?
3. Are conversations between the ombudsman attorney and the self-represented litigant confidential within the meaning of the Tennessee Rules of Professional Conduct and, if so, would documenting those conversations electronically within the Bureau’s computer system violate ethical standards?
4. Are the following proposed guidelines consistent with providing “limited legal advice” within the meaning of section 50-6-216(e)(3) and the ethical guidelines of the Tennessee Rules of Professional Conduct:

The State of Tennessee Bureau of Workers’ Compensation Department of Labor and Workforce Development proposed the guidelines set forth hereinafter. As discussed more thoroughly below, the Board of Professional Responsibility concludes that ombudsman attorneys may, in their professional discretion, do the following:

- Explain basic legal principles, such as causation, notice, statute of limitations, etc.
- Explain procedures, such as what a party can expect in an expedited hearing or the procedure for appealing an adverse decision (i.e. how long to file the notice of appeal, how to obtain a transcript, etc.)
- Explain the standard of proof required to prevail (preponderance of the evidence)
- Explain the elements of the employee’s cause of action (i.e. “primarily arising out of” and “in the course and scope” of employment)
- Explain any affirmative defenses raised by the employer, what the employer must show to establish the defense and what information the employee may need to provide when faced with such a defense
- Explain what medical proof may be needed and suggest avenues to obtain that information
- While refraining from advising a party or potential party regarding whether they should settle their claim; explain the methodology for calculating a compensation rate and an award of permanent disability benefits
- Address legal questions from other ombudsman and/or mediators
- Refer parties or potential parties to forms, templates, examples of motions, and other sources of information, such as UT-Trace (for trial court/appeals board opinions), Medical Impairment Registry, Medical Fee Schedule, etc.
- Stress the importance of submitting relevant documents and other information to the courts

- Provide contact information, such as for the clerks of the trial court, appeals board, or Supreme Court
- Provide applicable rules, statutes, and case law as they apply to general principles of workers' compensation
- Evaluate the claim and explain the strengths and weaknesses of the case to the pro se litigant
- Generally explain the purpose of a deposition, routine deposition questions, the proper method of asking questions and introducing documents, and common objections.
- Explain what constitutes admissible evidence and process for admitting evidence during and hearing or trial.

However, ombudsmen attorneys shall refrain from each of the following:

- Court appearances with or on behalf of any person or entity
 - Settlement conference appearances with or on behalf of any person or entity
 - Deposition appearances with or on behalf of any person or entity
 - Filing documents in the trial court or on appeal for or on behalf of any party or their representatives
 - Drafting documents or correspondence, including emails, for or on behalf of any party or potential party
 - Review or critique written materials or oral presentations prior to the submission for mediation or court proceedings
 - Perform legal research on the behalf of the pro se litigant
 - Communicating, orally or in writing, with the opposing party or their representatives, including legal counsel
 - Communicating, orally or in writing, with health care providers or any other person or entity, including insurance companies and their representatives, about the claim or potential claim
 - Communicating orally or in writing, with any judge of the Court of Workers' Compensation Claims or Appeals Board for or on behalf of a party or potential party
 - Testify or otherwise disclose confidential information
 - Make attorney referrals
 - Advise a party or potential party regarding the value of the claim
 - Advise a party regarding what issues to raise on appeal.
1. If an ombudsman attorney provides "limited legal advice" pursuant to TCA 50-6-216(e)(3), is an attorney/client relationship created between the ombudsman attorney and party to whom advice is given?

Rule 1.2 Scope of the Representation and the Allocation of Authority between the Lawyer and Client

- (c) A lawyer may limit the scope of a client’s representation if the limitation is reasonable under the circumstances and the client gives consent, preferably in writing, after consultation.¹

Comments

Agreements Limiting the Scope of the Representation

- [6] The scope of services to be provided by a lawyer may be limited by agreement with the client or by the terms under which the lawyer’s services are made available to the client. When a lawyer has been retained by an insurer to represent an insured, for example, the representation may be limited to matters related to the insurance coverage. A limited representation may be appropriate because the client has limited objectives for the representation. In addition, the terms upon which representation is undertaken may exclude specific means that might otherwise be used to accomplish the client’s objectives. Such limitations may exclude actions that the client thinks are too costly or that the lawyer regards as repugnant or imprudent.²
- [7] Although this Rule affords the lawyer and client substantial latitude to limit the representation, the limitation must be reasonable under the circumstances. If for example, a client’s objective is limited to securing general information about the law the client needs in order to handle a common and typically uncomplicated legal problem, the lawyer and client may agree that the lawyer’s services will be limited to a brief telephone consultation. Such a limitation, however, would not be reasonable if the time allotted was not sufficient to yield advice upon which the client could rely. Although an agreement for a limited representation does not exempt a lawyer from the duty to provide competent representation, the limitation is a factor to be considered when determining the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.³

In this matter the terms under which the lawyer’s services are made available without charge to the pro se litigant are set forth in the amendment to the statute⁴ which permits an ombudsman attorney to give limited legal advice, but does not allow the ombudsman attorney to represent a party. When considered with the provisions of RPC 1.2 (c) for limitation of a lawyer’s services, it appears reasonable that an ombudsman attorney could limit his/her services to those matters set forth herein. The ombudsman attorney should have the pro se litigant sign an agreement that makes it clear to the pro se litigant that the lawyer’s services are limited to guidance as set forth

¹ Tennessee Rules of Professional Conduct, Rule 1.2 (c).

² Tennessee Rules of Professional Conduct, Rule 1.2 comment 6.

³ Tennessee Rules of Professional Conduct, Rule 1.2 comment 7.

⁴ Tenn. Code Ann. Section 50-6-216. Pub. Ch. 1056.

hereinabove for a pro se litigant, do not create an attorney-client relationship between the pro se litigant and the ombudsman attorney, and that the protections of an attorney client relationship do not exist.

2. If the answer to question 1 is yes, is it possible for an ombudsman attorney to provide “limited legal advice” pursuant to TCA 50-6-216(e)(3) to a self-represented litigant and still provide effective representation as required by the Tennessee Rules of Professional Conduct?

Because the answer to question 1 is no, there is no need to further address question 2.

3. Are conversations between the ombudsman attorney and the self-represented litigant confidential within the meaning of the Tennessee Rules of Professional Conduct and, if so, would documenting those conversations electronically within the Bureau’s computer system violate ethical standards?

Because there is no attorney-client relationship created by the ombudsman attorney giving the limited legal advice to a pro se litigant, the conversations between the ombudsman attorney and the self-represented litigant are therefore not confidential and can be documented electronically within the Bureau’s computer system without violating ethical standards.

4. Are the proposed guidelines consistent with providing “limited legal advice” within the meaning of section 50-6-216(e)(3) and the ethical guidelines of the Tennessee Rules of Professional Conduct?

“Limited legal advice” is not a defined term in Tenn. Code Ann. Section 50-6-216(e)(3) nor is it a defined term in the Tennessee Rules of Professional Conduct. However, the wording of the statute is clear that the ombudsman attorney shall not represent any party. Because, pursuant to RPC 1.2 (c) the ombudsman attorney has obtained the informed written consent of the pro se litigant to limit his/her services to those set forth in guidelines proposed herein and that the pro se litigant’s informed written consent that the provision of those services do not create an attorney-client relationship between the ombudsman attorney and the pro se litigant, they are consistent with the ethical guidelines of the Tennessee Rules of Professional Conduct.

CONCLUSION

An ombudsman attorney employed by the State of Tennessee Bureau of Worker’s Compensation Department of Labor and Workforce Development may give limited legal advice to pro se litigants, based on the guidelines set out herein, without the creation of an attorney-

client relationship and its protections between the ombudsman attorney and the pro se litigant with the informed written consent of the pro se litigant. The pro se litigant should be fully advised of the limitations on the services provided by the ombudsman attorney and give his/her informed written consent to such limitations as well as the fact that there is no attorney- client relationship or its protections created by the provision of the limited legal advice.

This 10th day of March, 2017.

ETHICS COMMITTEE:

John Kitch

Dana Dye

Joe Looney

APPROVED AND ADOPTED BY THE BOARD

Disciplinary Actions

- (September, 2016 – March, 2017)
-

DISBARMENTS

FRANK ALFRED BAKER, BPR #31931 (FLORIDA)

On December 22, 2016, Frank Alfred Baker, of Marianna, Florida, was disbarred by Order of the Tennessee Supreme Court retroactive to July 25, 2016, exclusive of any period of incarceration.

The Tennessee Supreme Court suspended Mr. Baker on July 25, 2016, pursuant to Tennessee Supreme Court Rule 9, Section 22.3, based upon his conviction of conspiracy, two counts of making a false statement to the FDIC, making a false claim against the United States, and four counts of wire fraud. The Board of Professional Responsibility instituted a formal proceeding to determine the extent of final discipline to be imposed. Mr. Baker entered a conditional guilty plea calling for disbarment and restitution.

Mr. Baker's actions violated Rules of Professional Conduct 8.4(a) and (b), Misconduct.

Mr. Baker must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys. Mr. Baker must pay the Board's costs and expenses and the court costs within ninety days of the entry of the order.

ROBERT LAWSON CHEEK, JR., BPR #15407 (KNOX COUNTY)

On February 8, 2017, Robert Lawson Cheek, Jr. was disbarred by the Tennessee Supreme Court. The disbarment is effective immediately. Mr. Cheek must pay the Board of Professional Responsibility's costs and expenses and court costs within ninety days.

Mr. Cheek's client executed a Durable Power of Attorney naming him as her attorney-in-fact. In the years 2010, 2011, and 2012, Mr. Cheek had a power of attorney for all of her business, financial, health, and personal matters. During that time, Mr. Cheek systematically withdrew approximately \$53,500 from her retirement accounts without her knowledge or consent. In August of 2010, Mr. Cheek set up a reverse mortgage in her name without her knowledge in the amount of almost \$60,000. The day after the funds were deposited into his client's bank account, Mr. Cheek withdrew \$58,070.00.

The Hearing Panel determined that Mr. Cheek's unethical conduct violated the Tennessee Rules of Professional Conduct 1.1, Competence; 1.3 Diligence; 1.4 Communication; 1.15 Safekeeping Property and Funds; 8.1 Bar and Disciplinary Matters, and; 8.4 Misconduct.

In unrelated cases, Mr. Cheek was disbarred on May 15, 2014, and August 12, 2015. To date, Mr. Cheek has not been reinstated from his previous disbarment.

DISBARMENTS (continued)

Mr. Cheek must comply with Tennessee Supreme Court Rule 9, Sections 28 and 30 regarding the obligations and responsibilities of disbarred attorneys.

JOHN JAY CLARK, BPR #24360 (WILLIAMSON COUNTY)

On December 14, 2016, the Tennessee Supreme Court disbarred John Jay Clark from the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 12.1. Mr. Clark must pay the Board of Professional Responsibility's costs and expenses and court costs within ninety days.

The Board filed a Petition for Discipline against Mr. Clark that included five complainants. In two complaints, Mr. Clark was paid for representation in criminal court and abandoned his clients. In another complaint, Mr. Clark accepted a fee for a divorce case, and after obtaining a default judgment, he failed to file an order memorializing the default and failed to get a final decree.

Mr. Clark also accepted a fee in another divorce case and never filed a complaint for divorce. For several months thereafter, he misrepresented to the client that the case was pending, instructed the client to meet him at court and informed her that she was divorced which was not true.

Finally, in another divorce case, Mr. Clark accepted a fee, filed a complaint for divorce, and then sent his client a divorce decree on which he had forged the signature of the judge. Mr. Clark was suspended from the practice of law while representing some of the clients who filed complaints.

The Hearing Panel found that Mr. Clark violated RPC 1.3 (diligence), 1.4 (communication), 1.5 (fees), 1.16 (terminating representation), 3.2 (expediting litigation), 5.5 (unauthorized practice of law), 8.1 (disciplinary matters) and 8.4 (a) (misconduct) and Rule 8.4 (a), (b) and (c) (misconduct, criminal conduct and conduct involving dishonesty).

Mr. Clark must pay restitution to his clients as a condition of reinstatement to the practice of law.

In an unrelated case, Mr. Clark was suspended from the practice of law for four years on June 26, 2015. To date, Mr. Clark has not been reinstated from his previous suspension.

Mr. Clark must comply with Tennessee Supreme Court Rule 9, Section 28 regarding the obligations and responsibilities suspended attorneys.

DON W. COOPER, BPR #1286 (SULLIVAN COUNTY)

Effective February 23, 2017, the Supreme Court of Tennessee disbarred Don W. Cooper from the practice of law for misappropriating funds while serving as co-executor, administrator and/or trustee in three (3) separate estates and trusts. Mr. Cooper is required to pay restitution to the estates totaling \$952,759.37.

Mr. Cooper's conduct violated Rules of Professional Conduct 1.15(a) and (d) (Safekeeping Property and Funds); 8.1(b) (Bar Admission and Disciplinary Matters); and 8.4(a), (b), (c) and (d) (Misconduct).

DISBARMENTS (continued)

Mr. Cooper must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 18 and 30, regarding the obligations and responsibilities of disbarred attorneys and may not return to the active practice of law until an order of reinstatement has been entered by the Supreme Court.

TERENCE JOSEPH FAIRFAX, BPR #20729 (DAVIDSON COUNTY)

On March 29, 2017, the Tennessee Supreme Court disbarred former Davidson County lawyer, Terence Joseph Fairfax, from the practice of law and ordered that he pay restitution as a condition of reinstatement. Mr. Fairfax must pay the Board of Professional Responsibility's costs and expenses and court costs within ninety days.

On November 18, 2016, the Tennessee Supreme Court suspended Terence Joseph Fairfax from the practice of law until further orders of the Court pursuant to Tennessee Supreme Court Rule 9, Section 22.3. Mr. Fairfax was suspended based upon his conviction on two (2) counts of felony theft in violation of TCA §39-14-103, in the Criminal Court of Davidson County, Tennessee, in the matter of State of Tennessee v. Terence Joseph Fairfax. Mr. Fairfax misappropriated funds from two trusts for which he served as Trustee.

The Supreme Court ordered the Board to institute a formal proceeding to determine the extent of final discipline to be imposed as a result of Mr. Fairfax's conviction. Mr. Fairfax entered a conditional guilty plea in which he admitted that he violated Tennessee Rules of Professional Conduct 8.4(a) (b) (c) and (d), Misconduct.

Mr. Fairfax must comply with Tennessee Supreme Court Rule 9, Section 28 regarding the obligations and responsibilities suspended attorneys.

GARRY CHRISTOPHER FORSYTHE, BPR #20460 (SUMNER COUNTY)

On October 3, 2016, Garry Christopher Forsythe, of Hendersonville, Tennessee, was disbarred and ordered to pay restitution by Order of the Tennessee Supreme Court.

On October 26, 2009, the Tennessee Supreme Court issued an Order temporarily suspending Mr. Forsythe from the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 4.3 (2006), upon finding that Mr. Forsythe had misappropriated funds and posed a threat of substantial harm to the public. On January 12, 2016, the Tennessee Supreme Court suspended Mr. Forsythe pursuant to Tennessee Supreme Court Rule 9, Section 22 (2014), based upon his conviction of wire fraud. The Board of Professional Responsibility instituted a formal proceeding to determine the extent of final discipline to be imposed. Mr. Forsythe did not respond to the Board's Petition and an Order of Default was entered. The Hearing Panel recommended a sanction of disbarment.

Mr. Forsythe's actions violated Rules of Professional Conduct 8.4(a), (b) and (c), Misconduct.

DISBARMENTS (continued)

Mr. Forsythe must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4 (2014), regarding the obligations and responsibilities of suspended or disbarred attorneys. Mr. Forsythe must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

JERRY DEWAYNE KERLEY, BPR #12685 (SEVIER COUNTY)

On January 25, 2017, Jerry DeWayne Kerley of Sevierville, Tennessee, was disbarred by Order of the Tennessee Supreme Court retroactive to June 21, 2012.

The Tennessee Supreme Court suspended Mr. Kerley on June 21, 2012, pursuant to Tennessee Supreme Court Rule 9, Section 14 (2006), based upon his conviction of conspiracy to commit wire fraud, wire fraud, bank fraud, false statements, and money laundering. The Board of Professional Responsibility instituted a formal proceeding to determine the extent of final discipline to be imposed. A hearing panel entered a judgment finding that Mr. Kerley should be disbarred.

Mr. Kerley's actions violated Rules of Professional Conduct 8.4(a), (b) and (c), Misconduct.

Mr. Kerley must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 18 (2006) and 30.4 (2014), regarding the obligations and responsibilities of disbarred attorneys. Mr. Kerley must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

JOHN LYNDON LOWERY, BPR #16195 (DAVIDSON COUNTY)

On December 15, 2016, John Lyndon Lowery, of Nashville, Tennessee, was disbarred from the practice of law by Order of the Tennessee Supreme Court. In addition, Mr. Lowery must make restitution to his clients as a condition of reinstatement. The disbarment is retroactive to the date of Mr. Lowery's prior disbarment, June 24, 2016. Mr. Lowery must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

Mr. Lowery settled a case without his clients' knowledge or consent, signed their names to a settlement check without their permission, misappropriated the settlement funds and made misrepresentations to the clients to make them think their cases were progressing normally.

Mr. Lowery's ethical misconduct violated Tennessee Rules of Professional Conduct 1.2, Scope of Representation; 1.4, Communication; 1.15, Safekeeping Property and Funds; and 8.4, Misconduct.

Mr. Lowery was previously suspended for failure to pay professional privilege tax on September 29, 2015. That suspension remains in effect.

Mr. Lowery must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of suspended attorneys.

DISBARMENTS (continued)

VENITA MARIE MARTIN, BPR #17469 (SHELBY COUNTY)

Effective October 5, 2016, Venita Marie Martin of Memphis, Tennessee, was disbarred from the practice of law by Order of the Tennessee Supreme Court. Ms. Martin must pay restitution to three individual clients and the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

A Petition for Discipline and Supplemental Petition for Discipline were filed against Ms. Martin consisting of a total of seven (7) complaints of misconduct. A Hearing Panel recommended disbarment after finding Ms. Martin knowingly failed to reasonably communicate with her clients regarding the status of their case; failed to respond to discovery requests; failed to respond to show cause orders; failed to appear at scheduled court hearings; failed to represent her clients in a diligent manner and reasonably expedite their litigation; failed to reasonably notify clients she was abandoning her office and terminating her law practice; failed to provide clients with alternative contact information after abandoning her law office and terminating her law practice, and failed to return unearned fees and expenses to her clients.

Ms. Martin's ethical misconduct violated Tennessee Rules of Professional Conduct 1.3, Diligence; 1.4, Communication; 1.16, Declining and Terminating Representation; 3.2, Expediting Litigation; 3.4(a) and (c) Fairness to Opposing Party and Counsel; 8.1(b) Bar Admissions and Disciplinary matters; 8.2(a)(3) Judicial and Legal Officials; and 8.4(a), (c), and (d), Misconduct.

WESLEY LYNN HATMAKER, BPR #14880 (CAMPBELL COUNTY)

On October 3, 2016, Wesley Lynn Hatmaker, of Jacksboro, Tennessee, was disbarred from the practice of law by Order of the Tennessee Supreme Court. In addition, Mr. Hatmaker must make restitution as a condition of his reinstatement. The order is effective October 3, 2016. Mr. Hatmaker must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

Mr. Hatmaker commingled earned fees in his trust account, utilized his trust account for personal purposes, misappropriated client funds from his trust account, failed to adequately monitor his trust account, allowed his wife to write checks misappropriating client funds from the trust account, made misrepresentations to a judge in order to conceal the misappropriations, and failed to communicate with, and diligently represent, a client.

Mr. Hatmaker's ethical misconduct violates Rules of Professional Conduct 1.1, Competence; 1.3, Diligence; 1.4, Communication; 1.15(a), Safekeeping Property and Funds; 3.2, Expediting Litigation; and 8.4(a), (b) and (c), Misconduct.

Mr. Hatmaker must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of suspended or disbarred attorneys.

DISBARMENTS (continued)

MARSHALL SCOTT SMITH, BPR #9257 (MADISON COUNTY)

On November 18, 2016, the Tennessee Supreme Court disbarred Marshall Scott Smith from the practice of law. In addition, Mr. Smith must make restitution to his former clients. The order is effective November 18, 2016. Mr. Smith must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

Mr. Smith failed to deposit settlement funds into his trust account, misappropriated funds from his clients, accepted fees for which little or no work was performed, used his trust account for personal expenditures, failed to adequately communicate with his clients, settled one case for a client without authority, borrowed money from a client without advising the client of a conflict of interest and the need to obtain independent legal advice or obtain the clients' written informed consent, and failed to timely respond to complaints filed against him.

Mr. Smith's ethical misconduct violates Rules of Professional Conduct 1.2, Scope of Representation; 1.4, Communication; 1.5, fees; 1.8(a), Conflict of Interest, Current Clients; 1.15, Safekeeping Property; 8.1, Disciplinary Matters; and 8.4(a) and (c), Misconduct.

Mr. Smith must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of suspended or disbarred attorneys. Pursuant to Tennessee Supreme Court Rule 9, Sections 30.2, Mr. Smith is not eligible for reinstatement to the practice of law because he was previously disbarred and reinstated, and this is his second disbarment.

CONRAD MARK TROUTMAN, BPR #11712 (CAMPBELL COUNTY)

Effective March 28, 2017 the Supreme Court of Tennessee disbarred Conrad Mark Troutman from the practice of law for misappropriating funds while serving as the closing attorney in a real estate transaction and misusing his trust account to pay personal and business expenses. Mr. Troutman was ordered to pay the costs of the disciplinary proceedings to the Board and to the Court.

On February 3, 2016, the Board of Professional Responsibility filed a petition for discipline against Mr. Troutman based upon two (2) complaints of misconduct. The petition alleged Mr. Troutman misappropriated approximately \$200,000.00 from his trust account and misused his trust account to pay personal and business expenses. Mr. Troutman executed a conditional guilty plea acknowledging his unethical conduct.

Mr. Troutman's conduct violated Rules of Professional Conduct 1.15 (Safekeeping Property and Funds); and 8.4(a), (b), (c) and (d) (Misconduct).

Mr. Troutman must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 18 and 30, regarding the obligations and responsibilities of disbarred attorneys and may not return to the active practice of law until an order of reinstatement has been entered by the Supreme Court.

DISBARMENTS (continued)

QUENTON I. WHITE, BPR #15136 (DAVIDSON COUNTY)

On October 20, 2016, Quenton I. White of Nashville, Tennessee was disbarred by Order of the Tennessee Supreme Court. The Order disbaring Mr. White is effective as of the date of filing. Mr. White is required to pay restitution to former clients and the Board's costs in the disciplinary action.

A Petition for Discipline was filed on May 26, 2016, alleging misrepresentations to clients, misuse of client's monies and failing to protect client's property and funds. A Supplemental Petition for Discipline was filed against Mr. White on June 14, 2016, alleging misconduct, lack of competence, lack of communication, incompetent representation, misrepresentations to clients, misuse of client's monies and failing to protect client's property and funds.

Mr. White's conduct violated RPC 1.1, (competence); 1.3 (diligence); 1.14 (communication); 1.5 (fees); 1.15 (safekeeping of property); 1.16 (declining and terminating representation); and 8.4 (misconduct). On September 27, 2016, Mr. White entered a Conditional Guilty Plea admitting his misconduct.

Mr. White must comply with Tennessee Supreme Court Rule 9, Sections 28 and 30.4 regarding the obligations and responsibilities of suspended or disbarred attorneys and the procedure for reinstatement. Mr. White must pay the Board's costs and expenses prior to reinstatement to the practice of law.

SUSPENSIONS

JOHN JAY CLARK, BPR #24360 (WILLIAMSON COUNTY)

On November 2, 2016, the Tennessee Supreme Court suspended John Jay Clark from the practice of law until further orders of the Court pursuant to Tennessee Supreme Court Rule 9, Section 22.3. Mr. Clark was suspended based upon his conviction of a serious crime; i.e., forgery.

The Supreme Court ordered the Board to institute a formal proceeding to determine the extent of final discipline to be imposed as a result of Mr. Clark's conviction.

Mr. Clark must comply with Tennessee Supreme Court Rule 9, Section 28 regarding the obligations and responsibilities suspended attorneys.

CHARLES MICHAEL CLIFFORD, BPR #1544 (BLOUNT COUNTY)

On March 10, 2017, Charles Michael Clifford, of Blount County, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court for one (1) year, retroactive to March 9, 2016, the date of his temporary suspension. Mr. Clifford was ordered to pay restitution in the amount of \$1,500.00.

A Petition for Discipline was filed on June 27, 2016, alleging that after accepting a fee, Mr. Clifford failed to communicate adequately with his client, failed to notify his client of a hearing date, failed to appear in court for the hearing, and failed to respond to Disciplinary Counsel.

SUSPENSIONS (continued)

A Hearing Panel found that Mr. Clifford's actions violated Rules of Professional Conduct 1.3 (diligence); 1.4 (communication); 8.1(b) (disciplinary matters); and, 8.4 (misconduct).

Mr. Clifford must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 18 regarding the obligations and responsibilities of suspended attorneys. The Court's Order is effective immediately.

JAMES CARL COPE, BPR #3340 (RUTHERFORD COUNTY)

On October 25, 2016, the Tennessee Supreme Court suspended James Carl Cope from the practice of law until further orders of the Court pursuant to Tennessee Supreme Court Rule 9, Section 22.3.

Mr. Cope was suspended based upon his plea of guilty to the serious crime of insider trading in violation of Title 15, Unites States Code, Section 78j(b) and Title 17, Code of Federal Regulations, Section 240.10b-5.

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. Cope's guilty plea.

Mr. Cope must comply with Tennessee Supreme Court Rule 9, Section 28, regarding the obligations and responsibilities suspended attorneys.

TERENCE JOSEPH FAIRFAX, BPR #20729 (FORMER FRANKLIN COUNTY)

On November 18, 2016, the Tennessee Supreme Court suspended Terrence Joseph Fairfax from the practice of law until further orders of the Court pursuant to Tennessee Supreme Court Rule 9, Section 22.3. Mr. Fairfax was suspended based upon his conviction of a serious crime; i.e., felony theft.

The Supreme Court ordered the Board to institute a formal proceeding to determine the extent of final discipline to be imposed as a result of Mr. Fairfax's conviction.

Mr. Fairfax must comply with Tennessee Supreme Court Rule 9, Section 28 regarding the obligations and responsibilities suspended attorneys.

CARLA ANN KENT FORD, BPR #14312 (RUTHERFORD COUNTY)

Effective December 22, 2016, the Tennessee Supreme Court suspended Carla Ann Kent Ford from the practice of law for four (4) years pursuant to Tennessee Supreme Court Rule 9, Section 12.2 (2014), based upon her felony conviction for theft of property valued in excess of \$1,000.00 but less than \$10,000.00 in violation of Tennessee Code Annotated, Section 39-14-103. Ms. Ford must pay the costs of the disciplinary matter to the Board and to the Court.

SUSPENSIONS (continued)

Ms. Ford's conduct violated Tennessee Rules of Professional Conduct 8.4(b) and (c) (misconduct).

Ms. Ford must comply with Tennessee Supreme Court Rule 9, Sections 28 and 30 (2014) regarding the obligations and responsibilities of suspended attorneys.

CARRIE LEIGH GASAWAY, BPR #18746 (MONTGOMERY COUNTY)

Effective September 16, 2016, the Tennessee Supreme Court suspended Carrie Leigh 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 guilty plea and conviction for felony theft over \$10,000.00 in violation of T. C. A. Section 39-14-103.

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.

Ms. Gasaway must comply with Tennessee Supreme Court Rule 9, Section 28 regarding the obligations and responsibilities of suspended attorneys.

ANTON LORENZO JACKSON, BPR #26394 (DAVIDSON COUNTY)

On March 21, 2017, Anton Lorenzo Jackson was suspended from the practice of law by Order of the Tennessee Supreme Court for three (3) years, retroactive to November 18, 2015. As conditions of his suspension, Mr. Jackson must engage a practice monitor, undergo an evaluation by Tennessee Lawyers Assistance Program (TLAP) and enter into a monitoring agreement if deemed appropriate by TLAP and make restitution to two former clients. Mr. Jackson 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 March 21, 2017.

A Petition for Discipline, an Amended Petition for Discipline, and a Supplemental Petition for Discipline were filed against Mr. Jackson including six (6) complaints alleging a failure to adequately communicate with his clients, lack of diligence in handling client matters, and failure to adequately communicate with clients as well as engaging in the unauthorized practice of law while temporarily suspended. Mr. Jackson was ordered to make restitution to two clients.

Mr. Jackson's ethical misconduct violated Rules of Professional Conduct 1.1, Diligence; 1.4, Communication; 3.2, Expediting Litigation; 5.5, Unauthorized Practice of Law; and 8.4, Misconduct.

Mr. Jackson must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30, regarding the obligations and responsibilities of suspended attorneys.

JESSICA JONES, BPR #27335 (SULLIVAN COUNTY)

On January 20, 2017, Jessica D. Jones of Bristol, Tennessee, was suspended by the Tennessee Supreme Court from the practice of law. On December 9, 2016, the Tennessee Supreme Court issued a

SUSPENSIONS (continued)

Show Cause Order, pursuant to Tennessee Supreme Court Rule 9, Section 37.4, ordering Ms. Jones to show cause as to why her law license should not be suspended based on Ms. Jones' default on a loan guaranteed or administered by Tennessee Student Assistance Corporation (TSAC). Ms. Jones failed to show cause as to why her law license should not be suspended and was suspended by Order of the Supreme Court of Tennessee.

Ms. Jones must comply with the requirements of Tennessee Supreme Court Rule 9, Section 28 regarding notice to clients, adverse parties and other counsel.

WALTER ALAN ROSE, BPR #28903 (RUTHERFORD COUNTY)

Effective January 11, 2017, Walter Alan Rose, Murfreesboro, Tennessee, is suspended from the practice of law by Order of the Supreme Court of Tennessee for a period of three (3) years, retroactive to October 30, 2015, and required to contact Tennessee Lawyers Assistance Program (TLAP) within five (5) business days of the entry of the Order of Enforcement.

Mr. Rose provided legal services in exchange for narcotics and committed a criminal act reflecting adversely upon his fitness to practice law. Mr. Rose was summarily suspended by the Tennessee Supreme Court on October 30, 2015, based upon the entry of a plea of guilty to violating Title 18, United States Code, Section 922(g)(3).

Mr. Rose's conduct violated Rules of Professional Conduct 1.7 (conflict of interest) and 8.4(b) (misconduct).

Mr. Rose must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 18 and 30, regarding the obligations and responsibilities of suspended attorneys and may not return to the active practice of law until an order of reinstatement has been entered by the Supreme Court.

TIMOTHY PAUL WEBB, BPR #16531 (CAMPBELL COUNTY)

On September 26, 2016, Timothy Paul Webb, of Jacksboro, Tennessee, was suspended from the practice of law by Order of the Tennessee Supreme Court for five (5) years, retroactive to December 15, 2015, with two (2) years to be served as active suspension and the remainder on probation. As conditions of probation, Mr. Webb must engage a practice monitor, undergo an evaluation by Tennessee Lawyer's Assistance Program (TLAP) and enter into a monitoring agreement if deemed appropriate by TLAP, and incur no new complaints resulting in disciplinary action. The order is effective October 6, 2016. Mr. Webb must pay the Board's costs and expenses and the court costs within ninety days of the entry of the Order of Enforcement.

The Petition for Discipline filed against Mr. Webb included twelve (12) complaints alleging a lack of diligence in handling client matters, a failure to communicate with clients, a failure to properly terminate relationships with clients, misrepresentations to clients and failure to maintain client funds in his trust account. Mr. Webb has made restitution to his clients.

SUSPENSIONS (continued)

Mr. Webb's ethical misconduct violated Rules of Professional Conduct 1.2, Scope of Representation; 1.3, Diligence; 1.4, Communication; 1.15, Safekeeping Property and Funds; 1.16, Declining and Terminating Representation; 3.2, Expediting Litigation; 3.4, Fairness to Opposing Party and Counsel; and 8.4, Misconduct.

Mr. Webb must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 18 (2006) and 30 (2014), regarding the obligations and responsibilities of suspended attorneys.

TEMPORARY SUSPENSIONS

ANDY LAMAR ALLMAN, BPR #17857 (SUMNER COUNTY)

On September 9, 2016, the Supreme Court of Tennessee temporarily suspended Andy Lamar Allman from the practice of law upon finding Mr. Allman failed to respond to the Board regarding complaints of misconduct, misappropriated funds and posed 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, misappropriation of funds or posing a threat of substantial harm to the public.

Mr. Allman is immediately precluded from accepting any new cases, and he must cease representing existing clients by October 9, 2016. After October 9, 2016, Mr. Allman shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Allman 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. Allman is required to deliver to all clients any papers or property to which they are entitled.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Allman may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

KEITH ALAN BLACK, BPR #18546 (HAMILTON COUNTY)

Effective November 8, 2016, the Supreme Court of Tennessee temporarily suspended Keith Alan Black from the practice of law for failing to respond to the Board regarding complaints of misconduct. Section 12.3 of Supreme Court Rule 9 provides for the immediate temporary 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. Black is immediately precluded from accepting any new cases and must cease representing existing clients before December 9, 2016. Thereafter, Mr. Black 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)

Mr. Black 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. Black is required to deliver to all clients any papers or property to which they are entitled.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Black may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

JAMES DOUGLAS BUSCH, BPR #24090 (KNOX COUNTY)

On February 1, 2017, the Supreme Court of Tennessee temporarily suspended James Douglas Busch from the practice of law upon finding that Mr. Busch 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 if an attorney poses a threat of substantial harm to the public.

Mr. Busch is immediately precluded from accepting any new cases, and he must cease representing existing clients by March 3, 2017. After March 3, 2017, Mr. Busch shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Busch 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. Busch is required to deliver to all clients any papers or property to which they are entitled.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Busch may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

LARRY D. CANTRELL, BPR #9921 (McMINN COUNTY)

On February 7, 2017, the Supreme Court of Tennessee temporarily suspended Larry D. Cantrell from the practice of law upon finding that Mr. Cantrell 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 such cases.

Effective February 7, 2017, Mr. Cantrell is precluded from accepting any new cases, and he must cease representing existing clients by March 9, 2017. After March 9, 2017, Mr. Cantrell shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Cantrell 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. Cantrell is required to deliver to all clients any papers or property to which they are entitled.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Cantrell may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

TEMPORARY SUSPENSIONS (continued)

DONALD BRENT GRAY, BPR #27263 (CAMPBELL COUNTY)

On March 10, 2017, the Supreme Court of Tennessee temporarily suspended Donald Brent Gray from the practice of law upon finding that Mr. Gray 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 if an attorney poses a threat of substantial harm to the public.

Mr. Gray is immediately precluded from accepting any new cases, and he must cease representing existing clients by April 9, 2017. After April 9, 2017, Mr. Gray shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Gray 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. Gray is required to deliver to all clients any papers or property to which they are entitled.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Gray may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

CALDWELL HANCOCK, BPR #5312 (DAVIDSON COUNTY)

On October 10, 2016, William Caldwell Hancock, of Nashville, Tennessee, was temporarily suspended from the practice of law by Order of the Tennessee Supreme Court upon finding that Mr. Hancock has failed to comply with the Court's Order entered June 24, 2016, directing that he contact Tennessee Lawyers Assistant Program for an evaluation to determine his capacity to practice law and his capacity to respond to or defend against a pending Petition for Discipline. The Court's June 24, 2016 Order expressly provided that failure by Mr. Hancock to comply with the order may serve as the basis for temporary suspension pursuant to Tennessee Supreme Court Rule 9, Section 12.3.

This temporary suspension is in addition to the one (1) year suspension from the practice of law ordered by the Supreme Court on January 15, 2016, that Mr. Hancock is currently serving.

This temporary suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Hancock may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

TERRY SHANE HENSLEY, PBR #24990 (HAMILTON COUNTY)

On August 16, 2016, the Supreme Court of Tennessee temporarily suspended Terry Shane Hensley from the practice of law upon finding that Mr. Hensley 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.

TEMPORARY SUSPENSIONS (continued)

Effective August 16, 2016, Mr. Hensley is precluded from accepting any new cases and he must cease representing existing clients by September 15, 2016. After September 15, 2016, Mr. Hensley shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Hensley 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. Hensley to deliver to all clients any papers or property to which they are entitled.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Hensley may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

MICHAEL JOHN MCNULTY, BPR #25974 (DAVIDSON COUNTY)

On March 9, 2017, the Supreme Court of Tennessee temporarily suspended Michael John McNulty from the practice of law upon finding that Mr. McNulty 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 if an attorney poses a threat of substantial harm to the public.

Mr. McNulty is immediately precluded from accepting any new cases, and he must cease representing existing clients by April 8, 2017. After April 8, 2017, Mr. McNulty shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. McNulty 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. McNulty is required to deliver to all clients any papers or property to which they are entitled.

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. McNulty may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

ASCHALEW GUADIE NIGUSSIE, BPR #32278 (DECATUR, GEORGIA)

Effective March 10, 2017, the Supreme Court of Tennessee temporarily suspended Aschalew Guadie Nigussie, an attorney licensed to practice law in Tennessee, from the practice of law for failing to respond to the Board of Professional Responsibility concerning a complaint of misconduct filed against him.

Mr. Nigussie is immediately precluded from accepting any new cases, and he must cease representing existing clients by April 9, 2017. After April 9, 2017, Mr. Nigussie 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)

Mr. Nigussie shall 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. Nigussie shall deliver to all clients any papers or property to which they are entitled.

This suspension is immediate and remains in effect until dissolution or modification by the Supreme Court. Mr. Nigussie may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

KEVIN WILLIAM TEETS, JR., BPR #29981 (DAVIDSON COUNTY)

On March 3, 2017, the Supreme Court of Tennessee temporarily suspended Kevin William Teets, Jr. from the practice of law upon finding Mr. Teets 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. Teets is immediately precluded from accepting any new cases, and he must cease representing existing clients by April 2, 2017. After April 2, 2017, Mr. Teets shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Teets shall 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. Teets shall deliver to all clients any papers or property to which they are entitled.

This suspension is immediate and remains in effect until dissolution or modification by the Supreme Court. Mr. Teets may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

ALAN GEORGE WARD, BPR #18949 (BENTON COUNTY)

On November 1, 2016, the Supreme Court of Tennessee temporarily suspended Alan George Ward from the practice of law, effective immediately, upon finding that Mr. Ward failed to file briefs in the Court of Criminal Appeals and failed to appear before the Court of Criminal Appeals pursuant to a show cause order, 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 when an attorney poses a threat of substantial harm to the public.

Mr. Ward is immediately precluded from accepting any new cases, and he must cease representing existing clients by December 1, 2016. After December 1, 2016, Mr. Ward shall not use any indicia of lawyer, legal assistant, or law clerk nor maintain a presence where the practice of law is conducted.

Mr. Ward 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. Ward is required to deliver to all clients any papers or property to which they are entitled.

TEMPORARY SUSPENSIONS (continued)

This suspension remains in effect until dissolution or modification by the Supreme Court. Mr. Ward may for good cause request dissolution or modification of the suspension by petition to the Supreme Court.

PUBLIC CENSURES

RENFRO BLACKBURN BAIRD, BPR #13150 (HAWKINS COUNTY)

On January 13, 2017, Renfro Blackburn Baird, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

While representing a client in a case before the Court of Criminal Appeals, Mr. Baird repeatedly failed to file a brief, failed to notify the Court of the status of the appeal, and failed to comply with show cause orders. Based on Mr. Baird's misconduct, the Court held Mr. Baird in willful criminal contempt. However, Mr. Baird obtained permission from the Court to late-file the brief, so his client was not denied the right to appeal.

By these acts, Renfro Blackburn Baird has violated Rules of Professional Conduct 1.3 (diligence), 3.2 (expediting litigation), 3.4(c) (failure to abide by court rule), and 8.4(d) (conduct prejudicial to the administration of justice) and is hereby Publicly Censured for this violation.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

KAHLIEL ROBERT BARLOWE, BPR #23499 (DAVIDSON COUNTY)

On October 25, 2016, Kahliel Robert Barlowe, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Barlowe's law license was administratively suspended on May 11, 2016. On May 31, 2016, while still suspended, Mr. Barlowe appeared in court in front of a judge, argued substantive issues on a case, and set the case for trial.

By these acts, Mr. Barlowe has violated Rule 5.5(a) (unauthorized practice of law) of the Rules of Professional Conduct and is hereby publicly censured for this violation. A public censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

KEITH LAMONTE DOBBS, BPR #26271 (SHELBY COUNTY)

On January 13, 2017, Keith Lamonte Dobbs, an attorney formerly 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. Dobbs assisted a client with the filing of tax information related to probate matters after he was suspended from the practice of law.

By these acts, Keith Lamonte Dobbs has violated Rule of Professional Conduct 5.5 (unauthorized practice of law), and is hereby Publicly Censured for this violation.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

JAMES CHARLES EDWARDS, BPR #9953 (DAVIDSON COUNTY)

On October 27, 2016, James Charles Edwards, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Edwards failed to diligently represent a client and failed to expedite the filing of the client's divorce action. After the client terminated Mr. Edwards' representation, Mr. Edwards submitted an unreasonable invoice for fees to the client. The fees were unreasonable based upon the lack of complexity of the legal services requested and the lack of any results obtained for the client.

By these acts, James Charles Edwards has violated Rules of Professional Conduct 1.3 (diligence), 1.5 (fees), and 3.2 (expediting litigation) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

RUSSELL L. EGLI, BPR #24408 (KNOX COUNTY)

On March 30, 2017, Russell L. Egli, an attorney licensed to practice law in Tennessee, received a Public Censure from the Supreme Court of Tennessee.

The Board of Professional Responsibility filed a Petition for Discipline against Mr. Egli on October 28, 2016, based upon certain acts of misconduct. Mr. Egli made a false statement of fact in a written communication to a Judge overseeing one of his cases.

Russell L. Egli entered a Conditional Guilty Plea acknowledging his actions violated Rules of Professional Conduct 3.3(a)(1) (candor to the tribunal), and 8.4(c) (misconduct).

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

PUBLIC CENSURES (continued)

JOHN P. FORTUNO, BPR #25390 (BRADLEY COUNTY)

On March 21, 2017, John P. Fortuno of Cleveland, Tennessee, was Publicly Censured by order of the Tennessee Supreme Court.

On August 22, 2016, the Board filed a Petition for Discipline against Mr. Fortuno, an assistant public defender, alleging that he committed ethical misconduct by exchanging a series of inappropriate text messages with a client he was appointed to represent creating a potential conflict of interest.

Mr. Fortuno entered into a conditional guilty plea admitting that his actions violated Rules of Professional Conduct 1.7(a)(2) (Conflicts of Interest) and 8.4(a) (Misconduct), and should be Publicly Censured for this violation.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

MICHAEL ANTHONY GUTH, BPR #19093 (ROANE COUNTY)

On October 14, 2016, Michael Anthony Guth, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Guth, acting pro se, filed a lawsuit against an individual defendant who retained counsel and contested the suit. Mr. Guth nonsuited the action and refiled in another county where venue was improper. Mr. Guth named two defendants in the refiled suit; a partnership consisting of the defendant in the original suit and one of the defendant's business associates, and the business associate individually. There was no written or verbal partnership agreement and the original defendant and his business associate did not refer to their relationship as a partnership. Mr. Guth told the business associate that he would be named as a defendant but promised to enter into a settlement agreement indemnifying the business associate, but later told the business associate that settlement would no longer be considered.

Mr. Guth obtained a default judgment against the partnership and the business associate. Mr. Guth claimed that the partnership had been served through service on the business associate. Mr. Guth did not attempt service on the defendant in the original suit or provide notice to his counsel. Mr. Guth did not advise the Court at the default hearing about the prior lawsuit, the fact that no partnership agreement existed, or that the defendant in the original suit had not been served. Mr. Guth then attempted execution of the judgment against the assets of the defendant in the original suit.

By these acts, Michael Anthony Guth has violated Rules of Professional Conduct 3.1 (meritorious claims), 3.3 (candor towards the tribunal), 4.1(a) (truthfulness in statements to others), 4.3 (dealings with an unrepresented person), 8.4(c) (conduct involving dishonesty, fraud, deceit, or misrepresentation), and 8.4(d) (conduct prejudicial to the administration of justice), and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

PUBLIC CENSURES (continued)

DAVID DWAYNE HARRIS, BPR #32607 (WILLIAMSON COUNTY)

On January 11, 2017, David Dwayne Harris, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

In two client matters, Mr. Harris failed to respond to multiple requests for information from the clients over the course of several months. In another matter, Mr. Harris agreed to appeal the denial of a client's federal *habeas corpus* petition. Mr. Harris filed the notice of appeal untimely, and failed to respond to the appellate court's show cause order on why the appeal should not be dismissed. In each matter, Mr. Harris' clients suffered potential harm.

By these acts, Mr. Harris is in violation of Rules 1.3 (diligence), 1.4 (communication), 1.16 (termination of representation), 3.2 (expediting litigation), and 8.4(d) (prejudice to the administration of justice) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

JOHN R. HERSHBERGER, BPR #21519 (SHELBY COUNTY)

On February 7, 2017, John R. Hershberger of Memphis, Tennessee, was Publicly Censured by order of the Tennessee Supreme Court.

While representing a party in a case pending before the Tennessee Court of Appeals, Mr. Hershberger went to the home of a judge on the Court of Appeals in order to ask her a question pertaining to the case. The judge was not at home and Mr. Hershberger left without speaking with her.

A Hearing Panel found that by attempting to engage in an ex parte communication with the judge, Mr. Hershberger violated Rule of Professional Conduct 8.4(a) (Misconduct) and should be Publicly Censured for this violation. Mr. Hershberger appealed the decision to the Chancery Court for Shelby County, which affirmed the Hearing Panel's decision.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

JERRY DELL HOLMES, BPR #16150 (WILMINGTON, NORTH CAROLINA)

On October 14, 2016, Jerry Dell Holmes, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Holmes operates a title and escrow company. Mr. Holmes did not maintain adequate bookkeeping procedures and failed to properly train and supervise non-lawyer staff which resulted in numerous overdrafts on Mr. Holmes' trust accounts.

PUBLIC CENSURES (continued)

By these acts, Jerry Dell Holmes has violated Rules of Professional Conduct 1.15 (safekeeping property and funds) and 5.3 (responsibilities regarding non-lawyer assistants), and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

JAMES GREGORY KING, BPR #17439 (DAVIDSON COUNTY)

On March 13, 2017, 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.

A show cause order was entered in one of Mr. King's divorce cases requiring Mr. King's client to appear before the Court with data stored on his cell phone. The parties and their counsel attempted to reach an agreement in resolution of the show cause order while in Court waiting for their case to be called. Acting under Mr. King's direction, Mr. King's client deleted the data from his cell phone before a final agreement was reached and presented to the Court for approval.

By these acts, James Gregory King has violated Rules of Professional Conduct 3.4(a) (unlawful destruction of material having potential evidentiary value) and 3.4(c) (knowing disobedience to the rules of a tribunal) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

JAMES KIRBY, BPR #3775 (CHEATHAM COUNTY)

On November 14, 2016, James Kirby, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

While acting as Executive Director of the Tennessee District Attorneys General Conference, Mr. Kirby engaged in an act of misconduct in connection with the hiring and supervision of a part time prosecutor pro tem.

By this act, James Kirby has violated Rule of Professional Conduct 8.4(c) (misconduct), and is hereby Publicly Censured for this violation.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

PUBLIC CENSURES (continued)

JAMES BRYAN LEWIS, BPR #15116 (DAVIDSON COUNTY)

On March 21, 2017, James Bryan Lewis of Nashville, Tennessee, was Publicly Censured by order of the Tennessee Supreme Court.

On April 27, 2015, the Board filed a Petition for Discipline against Mr. Lewis alleging that he committed ethical misconduct by engaging in an ex parte communication with a General Sessions judge in order to obtain a favorable result for his client. Specifically, Mr. Lewis represented a man charged with domestic assault and who was subject to the statutory 12-hour hold before being released on bond. Without notifying the District Attorney's Office, Mr. Lewis made an ex parte telephone call to a General Sessions judge at his home on a Sunday morning to obtain the waiver of the 12-hour hold.

Mr. Lewis entered into a conditional guilty plea admitting that his actions violated Rules of Professional Conduct 3.5(b) (Impartiality and Decorum of the Tribunal) and 8.4(a) (Misconduct) and should be Publicly Censured for this violation.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

RANDY PAUL LUCAS, BPR #19907 (SUMNER COUNTY)

On January 13, 2017, Randy Paul Lucas, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

In his representation of a client in an appellate proceeding, Mr. Lucas failed to file a transcript or brief within the time prescribed by the Tennessee Rules of Appellate Procedure. Mr. Lucas also failed to comply with deadlines established by the Court when given additional time to file his transcript and brief, which resulted in the dismissal of his client's appeal.

By these acts, Randy Paul Lucas has violated Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), 3.2 (expediting litigation), and 3.4(c) (disobedience to the rules of a tribunal), and is hereby Publicly Censured for this violation.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

JAMES DANIEL MARSHALL, BPR #25541 (DAVIDSON COUNTY)

On October 14, 2016, James Daniel 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 represented a client in pursuing a personal injury claim. Mr. Marshall did very little work on the case after filing suit which resulted in the case being nonsuited by the Court for failure to prosecute. Mr. Marshall also failed to keep his client informed about the status of the representation.

PUBLIC CENSURES (continued)

By these acts, James Daniel Marshall has violated Rules of Professional Conduct 1.1 (competence), 1.3 (diligence), and 1.4 (communication) and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

JEFFREY JOHN MILLER, BPR #17122 (DAVIDSON COUNTY)

On January 13, 2017, Jeffrey John Miller, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Miller was involved in a domestic altercation with his wife during which he was intoxicated and threatened his wife with a gun. Mr. Miller eventually pled guilty to harassment (Class A misdemeanor) and domestic assault with fear of bodily injury (Class A misdemeanor). Since his convictions, Mr. Miller has been treated for substance abuse.

Mr. Miller's conduct adversely reflects on his fitness to practice law in violation of Rule 8.4(b) (criminal conduct that reflects adversely on fitness to practice) of the Rules of Professional Conduct, and is hereby Publicly Censured for this violation.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

JACK COLIN MORRIS, BPR #15855 (MADISON COUNTY)

On January 13, 2017, Jack Colin Morris, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

In 2010, Mr. Morris represented a client in post-conviction proceedings. When the post-conviction petition was denied, Mr. Morris was to pursue a direct appeal. However, Mr. Morris neglected to file a notice of appeal, and when his client inquired about the status of the matter, Mr. Morris misinformed him that the appellate court had not yet issued its opinion. In 2015, Mr. Morris advised his client that he had inadvertently neglected to file the notice of appeal and sought permission to late-file. The Court of Criminal Appeals declined to waive the untimely notice of appeal.

By these acts, Jack Colin Morris has violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), 3.2 (expediting litigation), and 8.4(d) (conduct prejudicial to the administration of justice) and is hereby Publicly Censured for this violation.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

PUBLIC CENSURES (continued)

WENDELL J. O'REILLY, BPR #22217 (WILLIAMSON COUNTY)

On January 13, 2017, 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 commingled personal funds in the nature of earned fees in his client trust account and failed to promptly remove the funds from the account. On multiple occasions, Mr. O'Reilly paid personal and business expenses directly from the client trust account.

By these acts, Wendell J. O'Reilly has violated Rule of Professional Conduct 1.15 (safekeeping property), and is hereby Publicly Censured for this violation.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

ADAM WILDING PARRISH, BPR #21917 (WILSON COUNTY)

On January 13, 2017, Adam Wilding Parrish, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Parrish represented a client in an uncontested divorce. After the client and his wife executed the divorce paperwork, Mr. Parrish delayed filing it with the court for four months. There was a ninety-day waiting period before the divorce became final, but Mr. Parrish allowed an additional three months to pass with no action in the case and no communication with his client. Only when the client complained to the Board did Mr. Parrish take action to have the final divorce decree issued.

By these acts, Adam Wilding Parrish has violated Rules of Professional Conduct 1.3 (diligence), 1.4 (communication), and 3.2 (expediting litigation) and is hereby Publicly Censured for this violation.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

KARL EMMANUEL PULLEY, BPR #12761 (DAVIDSON COUNTY)

On January 13, 2017, Karl Emmanuel Pulley, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

While representing a defendant in a criminal case, Mr. Pulley met with and obtained a statement from a co-defendant in the case, who was represented by another attorney. Mr. Pulley failed to notify or obtain permission from the attorney before communicating with the co-defendant.

By these acts, Karl Emmanuel Pulley has violated Rule of Professional Conduct 4.2 (communication with a person represented by counsel) and is hereby Publicly Censured for this violation.

PUBLIC CENSURES (continued)

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

JON DAVID ROGERS, BPR #30635 (SUMNER COUNTY)

On September 29, 2016, Jon David Rogers, of Sumner County, Tennessee was publically censured by the Tennessee Supreme Court subject to the conditions that he engage a practice monitor for twelve (12) months and pay restitution to his former client.

A Petition for Discipline was filed on February 16, 2016, alleging that Mr. Rogers failed to respond to discovery resulting in his client being held in contempt of court and ordered to pay attorney fees of opposing counsel, and failed to promptly return his client's file after he was terminated by his client. Mr. Rogers entered into a Conditional Guilty Plea admitting to the misconduct.

Mr. Rogers' conduct violated RPC 1.3 (diligence); 1.16 (terminating representation); 3.2 (expediting litigation), and; 8.4 (misconduct).

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

ROBERT PAUL STARNES, BPR #21022 (SULLIVAN COUNTY)

On October 14, 2016, Robert Paul Starnes, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. Starnes repeatedly exposed himself to an employee at his law office. In April 2016, Mr. Starnes pleaded no contest to indecent exposure (Class B misdemeanor) for his conduct.

By these acts, Mr. Starnes is in violation of Rule 8.4 (b) (criminal conduct that reflects adversely on fitness to practice) of the Rules of Professional Conduct and is hereby publicly censured for this violation.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

CHADWICK BARRY TINDELL, BPR #15052 (KNOX COUNTY)

On October 25, 2016, Chadwick Barry Tindell, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

In representing debtors in a Chapter 11 bankruptcy proceeding, Mr. Tindell demonstrated a lack of competence and diligence by repeatedly violating procedural rules and filing requirements.

PUBLIC CENSURES (continued)

By these acts, Mr. Tindell has violated Rules of Professional Conduct 1.1 (competence) and 1.3 (diligence), and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

EDWARD KENDALL WHITE, III, BPR #17689 (WILLIAMSON COUNTY)

On October 14, 2016, Edward Kendall White, III, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. White is the plaintiff in an interpleader petition filed by Edward Kendall White, IV. The petition lacks any valid factual or legal basis. Although Mr. White is a party, he has also taken an active role in the litigation of the interpleader action. Neither Mr. White nor Edward Kendall White, IV have taken appropriate action to expedite the handling of the petition.

By these acts, Edward Kendall White, III has violated Rules of Professional Conduct 3.1 (meritorious claims and contentions), and 3.2 (expediting litigation), and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

EDWARD KENDALL WHITE, IV, BPR #32725 (WILLIAMSON COUNTY)

On October 14, 2016, Edward Kendall White, IV, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

Mr. White filed an interpleader petition lacking any valid factual or legal basis. Mr. White has also failed to expedite the handling of the petition.

By these acts, Edward Kendall White, IV has violated Rules of Professional Conduct 3.1 (meritorious claims and contentions), and 3.2 (expediting litigation), and is hereby Publicly Censured for these violations.

A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

DISABILITY INACTIVE

MARTHA JANE DUROCHER, BPR #28574 (MAURY COUNTY)

By Order of the Tennessee Supreme Court entered January 27, 2017 the law license of Martha Jane Durocher was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

DISABILITY INACTIVE (continued)

Ms. Durocher 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.

SUE MCKNIGHT EVANS, BPR #12068 (DAVIDSON COUNTY)

By Order of the Tennessee Supreme Court entered December 8, 2016, the law license of Sue McKnight Evans was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Ms. Evans 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.

THOMAS DALE FORRESTER, BPR #7527 (TIPTON COUNTY)

By Order of the Tennessee Supreme Court entered January 17, 2017, the law license of Thomas Dale Forrester was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Forrester 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.

ROBERT KEITH GOOD, BPR #14425 (WILLIAMSON COUNTY)

By Order of the Tennessee Supreme Court entered December 9, 2016, the law license of Robert Keith Good was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Good 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 CALDWELL HANCOCK, BPR #5312 (DAVIDSON COUNTY)

By Order of the Tennessee Supreme Court entered March 20, 2017, the law license of William Caldwell Hancock was transferred to disability inactive status pursuant to Section 27.4 of Tennessee Supreme Court Rule 9.

Mr. Hancock 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 after any other disciplinary matters have been resolved. Mr. Hancock has been suspended from the practice of law since January 15, 2016.

DISABILITY INACTIVE (continued)

JOHN EDWARD HERBISON, BPR #12659 (DAVIDSON COUNTY)

By Order of the Tennessee Supreme Court entered December 30, 2016, the law license of John Edward Herbison was transferred to disability inactive status pursuant to Sections 27.3 and 27.4 of Tennessee Supreme Court Rule 9.

Mr. Herbison 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 ALFRED McREYNOLDS, JR., BPR #680 (KNOX COUNTY)

By Order of the Tennessee Supreme Court entered September 28, 2016, the law license of John Alfred McReynolds, Jr. was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. McReynolds 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.

JASON NAHON, BPR #26497 (DAVIDSON COUNTY)

By Order of the Tennessee Supreme Court entered February 28, 2017, the law license of Jason Nahon was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Nahon 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.

RANDALL LEE NELSON, BPR #1307 (HAMILTON COUNTY)

By Order of the Tennessee Supreme Court entered February 17, 2017, the law license of Randall Lee Nelson was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Nelson 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 (continued)

ROY PATRICK NEUENSCHWANDER, BPR #921 (KNOX COUNTY)

By Order of the Tennessee Supreme Court entered November 28, 2016, the law license of Roy Patrick Neuenschwander was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Neuenschwander 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.

LARRY BEA NOLEN, BPR #521 (McMINN COUNTY)

By Order of the Tennessee Supreme Court entered March 10, 2017, the law license of Larry Bea Nolen was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Nolen 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.

VIRGIL DUANE PARKER, BPR #16375 (HAMILTON COUNTY)

By Order of the Tennessee Supreme Court entered February 23, 2017, the law license of Virgil Duane Parker was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Parker 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.

HOWARD MACARTHUR ROMAINE, BPR #12345 (DAVIDSON COUNTY)

By Order of the Tennessee Supreme Court entered January 24, 2017, the law license of Howard MacArthur Romaine was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Romaine 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 (continued)

KATHERINE EVETT SMITH, BPR #23028 (SHELBY COUNTY)

By Order of the Tennessee Supreme Court entered August 16, 2016, the law license of Katherine Evett Smith was transferred to disability inactive status pursuant to Section 27.4 of Tennessee Supreme Court Rule 9.

Ms. Smith 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.

On June 24, 2016, the Supreme Court of Tennessee temporarily suspended Katherine Evett Smith from the practice of law upon finding that Ms. Smith failed to respond to the Board regarding a complaint of misconduct. That suspension remains in effect.

DUANE SIDNEY SNODGRASS, BPR #698 (HAWKINS COUNTY)

By Order of the Tennessee Supreme Court entered November 4, 2016, the law license of Duane Sidney Snodgrass was transferred to disability inactive status pursuant to Section 27.3 of Tennessee Supreme Court Rule 9.

Mr. Snodgrass 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.

REINSTATEMENTS

DONALD WALTER FISHER, BPR #14714 (DAVIDSON COUNTY)

On December 15, 2016, the Supreme Court of Tennessee reinstated Donald Walter Fisher to the practice of law effective immediately. Mr. Fisher had been suspended for ninety (90) days by the Supreme Court of Tennessee on August 21, 2016. Mr. Fisher filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4.

A Hearing Panel found that Mr. Fisher 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. Fisher's license to practice law. As conditions of his reinstatement, Mr. Fisher must have a practice monitor and enter into a monitoring agreement with the Tennessee Lawyer Assistance Program, both for one year.

Mr. Fisher must pay the costs of the reinstatement proceeding.

REINSTATEMENTS (continued)

JAMES D. R. ROBERTS, BPR #17537 (DAVIDSON COUNTY)

On September 20, 2016, the Supreme Court of Tennessee reinstated James D. R. Roberts to the practice of law. Mr. Roberts had been suspended by the Supreme Court of Tennessee on March 18, 2016, for a period of six (6) months. Mr. Roberts filed a Petition for Reinstatement to the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 30.4(c). The Board found that the Petition was satisfactory and submitted an Order of Reinstatement to the Court.

KEVIN WILLIAM TEETS, JR., BPR #29981 (DAVIDSON COUNTY)

On March 22, 2017, the Supreme Court of Tennessee reinstated the law license of Kevin William Teets, Jr. Mr. Teets had been temporarily suspended by the Supreme Court of Tennessee on March 3, 2017, for misappropriation and posing a threat of substantial harm to the public. Mr. Teets filed a Petition to Dissolve Temporary Suspension on March 3, 2017, 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.

The Supreme Court Order requires Mr. Teets to meet with a practice monitor bi-weekly, continue weekly mental health sessions with his current therapist, execute a HIPPA-compliant release authorizing his therapist to provide monthly reports of treatment compliance to Disciplinary Counsel and continue contact with the Tennessee Lawyers Assistance Program for service and assistance if services are available.

Mr. Teets was ordered to pay the costs and expenses of the proceeding.

CRIMINAL CONTEMPT

HARRY MAX SPEIGHT, BPR #7455 (WEAKLY COUNTY)

On September 26, 2016, the Supreme Court adopted the recommendation of a Special Master and held Harry Max Speight of Weakly County, Tennessee in criminal contempt and ordered that he pay a fifty dollar (\$50) fine. The Court had previously entered Orders of Enforcement on August 14, 2008 and November 2, 2011, disbaring Mr. Speight from the practice of law.

The Board filed a Petition for Criminal Contempt on December 11, 2014, alleging that Mr. Speight had failed to comply with the Supreme Court's Orders of Disbarment, and was engaged in the practice of law in connection with a real estate transaction. The Supreme Court appointed a Special Master and a hearing was conducted on November 20, 2015. In the report and recommendation, the special master found Mr. Speight guilty beyond a reasonable doubt of criminal contempt pursuant to Tennessee Code Annotated, Section 29-9-102 (3). Due to mitigating factors found by the Special Master, he recommended the minimum punishment with no confinement.