



BOARD OF PROFESSIONAL RESPONSIBILITY
of the
SUPREME COURT OF TENNESSEE

SANDY L. GARRETT
CHIEF DISCIPLINARY COUNSEL
KRISANN HODGES
DEPUTY CHIEF DISCIPLINARY COUNSEL
BEVERLY P. SHARPE
DIRECTOR OF CONSUMER ASSISTANCE
LAURA L. CHASTAIN
ETHICS COUNSEL

10 CADILLAC DRIVE, SUITE 220
BRENTWOOD, TENNESSEE 37027
(615) 361-7500
(800) 486-5714
FAX: (615) 367-2480
www.tbpr.org

KEVIN D. BALKWILL
STEVEN J. CHRISTOPHER
ALAN D. JOHNSON
WILLIAM C. MOODY
M. PRESTON SHIPP
EILEEN BURKHALTER SMITH
A. RUSSELL WILLIS
DISCIPLINARY COUNSEL

June 11, 2018

J. Douglas Overbey, United States Attorney
Eastern District of Tennessee
800 Market Street, Suite 211
Knoxville, TN 37902

Elizabeth Barger Ford, Federal Public Defender
Eastern District of Tennessee
800 South Gay Street, Suite 2400
Knoxville, TN 37929

Donald Q. Cochran, United States Attorney
Middle District of Tennessee
110 9th Avenue South, Suite A-961
Nashville, TN 37203

Henry A. Martin, Federal Public Defender
Middle District of Tennessee
810 Broadway, Suite 200
Nashville, TN 37203-3861

D. Michael Dunavant, United States Attorney
Western District of Tennessee
167 North Main Street, Suite 800
Memphis, TN 38103

Doris Anne Randle-Holt, Federal Public Defender
Western District of Tennessee
200 Jefferson Avenue, Suite 200
Memphis, TN 38103-8307

Jerry N. Estes, Executive Director
Tennessee District Attorneys General Conference
226 Capitol Boulevard, Suite 800
Nashville, TN 37243-0890

Patrick Garland Frogge, Executive Director
District Public Defenders Conference
618 Church Street, Suite 300
Nashville, TN 37219-2436

RE: Formal Ethics Opinion 2017-F-163

Dear Colleagues:

On March 15, 2018, the Board of Professional Responsibility (the Board) issued Formal Ethics Opinion 2017-F-163 regarding prosecutors' ethical obligations to disclose information favorable to the defense (see Exhibit A). Prior to issuing the Opinion, the Tennessee District Attorneys General Conference submitted the following attached opposition to the Board's Opinion (see Exhibit B). On June 4, 2018, the United States Attorneys for the Eastern, Middle and Western Districts of Tennessee, on behalf of the Department of Justice, requested reconsideration and withdrawal of the Board's Ethics Opinion 2017-F-163 (see Exhibit C).

Formal Ethics Opinion 2017-F-163

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The U.S. Attorneys have requested an opportunity to appear personally before the Board at the Board's September 14, 2018 meeting. To fully consider this matter, the Board of Professional Responsibility respectfully requests the Tennessee District Public Defenders Conference and the U.S. Federal Public Defenders submit a written statement regarding Ethics Opinion 2017-F-163 and have one representative appear and speak to the Board on September 14, 2018.

At the Board's September 14, 2018 meeting, beginning at 9:00 a.m., the Board would welcome a 10 to 15 minute presentation from each representative of the Tennessee District Attorneys General Conference, the Tennessee District Public Defenders Conference, the U.S. Attorneys for the Eastern, Middle and Western Districts of Tennessee and the Federal Public Defenders for the Eastern, Middle and Western Districts. The Board asks that the Tennessee District Public Defenders Conference and the U.S. Public Defenders submit any written response to Formal Ethics Opinion 2017-F-163 by August 14, 2018 to ensure adequate time for the Board's consideration before the September 14, 2018 meeting. Please telephone me with any questions.

Sincerely,



Sandy Garrett
Chief Disciplinary Counsel

SG:jt

Attach.