



BOARD OF PROFESSIONAL RESPONSIBILITY
of the
SUPREME COURT OF TENNESSEE

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RELEASE OF INFORMATION
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BOARD OF PROFESSIONAL RESPONSIBILITY
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April 29, 2005

MEMPHIS LAWYER PUBLICLY CENSURED

On April 25, 2005, the Board of Professional Responsibility issued a Public Censure to Earle J. Schwarz of Memphis. He did not request a hearing. A complaint was filed against Schwarz based on a declaration filed by him in a habeas corpus action that Schwarz willfully neglected his representation of his client. Schwarz neglected his client's legal matter in a death penalty case and filed a declaration and subsequent habeas corpus proceeding setting forth that:

- (1) He was admitted pro hac vice in the State of Alabama;
- (2) He represented his client from 1998-2003;
- (3) He received notice that the Alabama Court of Criminal Appeals denied his client's appeal in February, 2003;
- (4) He did not notify his client of the denial of his appeal;
- (5) He did not file a notice of appeal with the Alabama Supreme Court;
- (6) He did not file a notice of withdrawal;
- (7) After the Alabama Court of Criminal Appeals denied his client's appeal Schwarz did not tell his client he was no longer representing him; and
- (8) Schwarz did not inform his client that he would not file a notice of appeal in the Alabama Supreme Court or pursue relief in federal court. Schwarz did not have contact with his client after the appeal was denied.

The Board determined that Schwartz' conduct violated Rules 1.1, 1.3, 1.16, and 8.4(a)(c)(d) of the Tennessee Rules of Professional Conduct.

A Public Censure is a form of discipline that declares the conduct of the lawyer improper but does not limit the lawyer's right to practice law.

