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of the
SUPREME COURT OF TENNESSEE

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RELEASE OF INFORMATION
IN RE: JAMES L. RATHER, BPR #19722
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January 31, 2005-01-31

KNOXVILLE LAWYER CENSURED

On January 24, 2005 the Board of Professional Responsibility issued a Public Censure as to James L. Rather, of Knoxville, Tennessee.

Mr. Rather was employed as a Tennessee in-house attorney for an estate planning company out of Louisiana called, Mid-South Planning, which provides living trust documents to elderly consumers. These documents include a durable power of attorney, the revocable living trust, a living will, etc. Mr. Rather prepares the documents. The sales person also sells annuities to the customers. The salesperson sold one such such package to a woman who suffered from Alzheimer's Disease. An associate of Mid-South visits the customer in his/her home, signs the customer up for documents and then returns the documents to the customer to be notarized. The customer then writes a check to Mid-South for approximately \$1,800. The customer never meets with Mr. Rather. The customers sign these documents often unaware of their effect upon prior documents which have been signed by these usually elderly customers. Mr. Rather is paid by Mid-South.

The Board found that Mr. Rather thereby violated these ethics rules: DR 3-101(A) and 3-102(A), as well as RPC 5.5. These rules prohibit attorneys from assisting the unauthorized practice of law.

Notice of this censure was mailed to Mr. Rather pursuant to Rule 9, Rules of the Supreme Court of Tennessee. Mr. Rather did not request a hearing and the Censure has thereby become final.

WWH:mw