



**BOARD OF PROFESSIONAL RESPONSIBILITY  
OF THE  
SUPREME COURT OF TENNESSEE**

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**RELEASE OF INFORMATION**  
**RE: ANDREW JACKSON DEARING, III, BPR #14095**  
**CONTACT: SANDY GARRETT**  
**BOARD OF PROFESSIONAL RESPONSIBILITY**  
**615-361-7500**

August 17, 2001

**SHELBYVILLE ATTORNEY CENSURED**

On August 13, 2001, Andrew Jackson Dearing, III, of Shelbyville, Tennessee, received a public censure from the Board of Professional Responsibility of the Supreme Court of Tennessee (the Board). The Board gave Mr. Dearing notice of the public censure and Mr. Dearing did not request a hearing.

Mr. Dearing defended the complainant on criminal charges to which the complainant later entered a plea. The complainant asked the respondent to appeal and requested a copy of the filed Notice of Appeal. In response to this request the respondent advised the complainant that all necessary notices had been filed that the complainant requested. The complainant believed the respondent had appealed his case when in fact the respondent did not timely file a Notice of Appeal for the complainant. After the complainant filed his complaint against Dearing with the Board, Dearing filed on behalf of the complainant a Motion to Late File Appeal, and a Supplemental Motion to Late File Notice of Appeal. The respondent stated in part that the reason for the Late File Notice of Appeal was a misunderstanding by Dearing who believed that the complainant did not want to appeal his sentence if concurrent sentencing could be obtained. Dearing's statement to the Criminal Court of Appeals regarding the reason or basis for the Late Filed Notice of Appeal is inconsistent with the complainant's and Dearing's prior correspondence which reflect Dearing's statement to the complainant that all necessary notices have been filed. The Court of Criminal Appeals by Order filed March 5, 2001, denied Dearing's Motion to Waive Timely Filing of the complainant's Notice of Appeal. Dearing's failure to timely file a Notice of Appeal for the complainant coupled with Dearing's misrepresentations to his client, the Board, and the Criminal Court of Appeals violates the Code of Professional Responsibility's rules prohibiting conduct involving dishonesty, and misrepresentation. Dearing's conduct also was in violation of the rule prohibiting neglect and failure to communicate so as to keep the client reasonably informed.

SG:mw

