



BOARD OF PROFESSIONAL RESPONSIBILITY
of the
SUPREME COURT OF TENNESSEE

LANCE B. BRACY
CHIEF DISCIPLINARY COUNSEL

LAURA L. CHASTAIN
DEPUTY CHIEF DISCIPLINARY COUNSEL

BEVERLY P. SHARPE
CONSUMER COUNSEL/DIRECTOR

1101 KERMIT DRIVE, SUITE 730
NASHVILLE, TENNESSEE 37217
TELEPHONE: (615) 361-7500
(800) 486-5714
FAX: (615) 367-2480
E-MAIL: ethics@tbr.org

WILLIAM W. HUNT, III
CHARLES A. HIGH
SANDY GARRETT
JESSE D. JOSEPH
JAMES A. VICK
THERESA M. COSTONIS
DISCIPLINARY COUNSEL

RELEASE OF INFORMATION
RE: HUBERT DAVID PATTY, NO. 786
CONTACT: JAMES A. VICK
BOARD OF PROFESSIONAL RESPONSIBILITY

November 20, 2002

MARYVILLE LAWYER SUSPENDED

Hubert David Patty, a Maryville lawyer, was suspended from the practice of law by Judgment of the Supreme Court of Tennessee entered November 1, 2002.

A Petition for Discipline was filed against Mr. Patty by the Board of Professional Responsibility on November 3, 1999, arising out of two complaints of misconduct. In the first complaint, a trial court had found Mr. Patty in contempt of court. As a condition for permitting Mr. Patty to substitute as counsel for a criminal defendant, Mr. Patty agreed to and entered into an agreed order to go to trial on the date already set. After being permitted to substitute as counsel for the defendant, Mr. Patty appeared on the trial date and moved for a continuance. Mr. Patty admitted, when questioned by the trial court, that he knew at the time that he moved to substitute as counsel for the defendant that he would not be ready for trial on the scheduled date. Although the trial court's finding of contempt was reversed on appeal, the appellate court found that the facts justified the finding of contempt, but that proper procedure had not been followed.

In the second complaint, the U. S. District Court for the Eastern District of Tennessee found that Mr. Patty had filed a frivolous lawsuit in violation of Federal Rule of Civil Procedure No. 11. Mr. Patty filed a lawsuit in the federal court after a lawsuit based upon the same set of facts which Mr. Patty had filed in state court had been dismissed on summary judgment. The U. S. District Court for the Eastern District of Tennessee suspended Mr. Patty from practicing law in that court for one year.

Following a hearing, the Hearing Panel of the Board of Professional Responsibility found that Mr. Patty's license to practice to law should be suspended for one year and indefinitely until Mr. Patty had completed courses at an accredited law school in civil procedure and ethics. Mr. Patty appealed to the Chancery Court for Blount County. After a trial was conducted, the

Chancery Court reduced Mr. Patty's suspension to sixty days by Order entered October 30, 2001. Mr. Patty then appealed the Chancery Court's decision directly to the Supreme Court of Tennessee. By the Opinion and Judgment entered November 1, 2002, the Supreme Court affirmed the suspension of the Chancery Court, but increased the suspension to four months. The Supreme Court also required, as a condition to his reinstatement to the practice of law, that Mr. Patty complete six hours of continuing legal education in ethics and twelve hours of continuing legal education in trial practice and civil litigation, in addition to the hours required annually of attorneys in the state.

Section 18 of Tennessee Supreme Court Rule 9 requires Mr. Patty to notify by registered or certified mail all clients being represented in pending matters, as well as all co-counsel and opposing counsel, of the Supreme Court's Order disbaring him. Section 18 also requires Mr. Patty to deliver to all clients any papers or property to which they are entitled. Mr. Patty is further prohibited from maintaining a presence where the practice of law is conducted and required to remove and refrain from use of any indicia of lawyer, legal assistant, law clerk, or similar title.