



BOARD OF PROFESSIONAL RESPONSIBILITY
of the
SUPREME COURT OF TENNESSEE

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RELEASE OF INFORMATION
RE: ROBERT D. BENSON, BPR #97
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BOARD OF PROFESSIONAL RESPONSIBILITY
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March 17, 2004

FORMER BRENTWOOD ATTORNEY DISBARRED

On March 15, 2004, the Supreme Court of Tennessee entered an Order disbaring attorney Robert D. Benson.

On June 3, 2004, the Supreme Court of Tennessee temporarily suspended Benson from the practice of law, based upon Benson's threat of irreparable harm to the public.

The Board of Professional Responsibility filed a petition for discipline against Benson on June 26, 2003. Benson failed to answer this petition for discipline and on October 9, 2003, a hearing panel entered an order granting the Board of Professional Responsibility's Motion for Default and deemed admitted all of the charges against Benson. In part, the hearing panel found the respondent endorsed a \$313,657.68 check payable to the bankruptcy estate of a client of Benson's. Benson endorsed this \$313,657.68 check as attorney for Benson's client and the Bankruptcy Trustee. Benson did not have the Bankruptcy Trustee's authority to endorse his signature and did not have authority to represent the Trustee with regard to these funds. On June 27, 2002, the Bankruptcy Court entered an Order requiring Benson to turn over these funds. Benson failed to comply with the Bankruptcy Court Order. On November 18, 2002, the Bankruptcy Court entered an Order finding Benson in contempt based upon Benson's failure to turn over this property to the Bankruptcy Trustee. The hearing panel also found that Benson represented a different client who paid him a \$20,000 retainer. Five thousand of the \$20,000 paid by the client was to be forwarded by Benson to Georgia Counsel for the client's defense. Benson failed to remit this \$5,000 to the Georgia Counsel. The client also paid Benson \$3,000 for cost. Benson incurred cost totaling \$862.80 but failed to refund any of the remaining balance to the client. Benson abandoned his practice and this client was unable to reach him. Benson failed to refund any of this retainer to this client. On March 15, 2004, the Supreme Court disbarred Benson. The Supreme Court further ordered that Benson must make restitution to complainants with judgment of valid claims against Benson.

Benson's disciplinary case was conducted pursuant to Supreme Court Rules 8 and 9. In Tennessee disbarred lawyers may after five years apply for reinstatement of their law licenses.

To be reinstated, they must show by clear and convincing evidence that their reinstatement will not be detrimental to the integrity and standing of the bar or administration of justice or subversive to the public's interest.

SG:mw

Benson 1379 rel.doc