

IN THE DISCIPLINARY DISTRICT IX
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE

FILED

2016 AUG -3 PM 2: 23

BOARD OF PROFESSIONAL
RESPONSIBILITY
Keet
EXEC. SEC.

IN RE: STEPHEN P. JONES, BPR #16764
 Respondent, an Attorney Licensed
 to Practice Law in Tennessee
 (Shelby County)

DOCKET NO. 2016-2534-9-KH

MOTION FOR SUMMARY JUDGMENT

Respondent Stephen P. Jones ("Mr. Jones") files this motion for summary judgment, pursuant to Tenn. R. Civ. P. 56.02,¹ and requests that the Hearing Panel enter judgment as a matter of law in his favor and dismiss the Amended Petition for Discipline against him in its entirety. Mr. Jones seeks this relief because, as is demonstrated in the accompanying Statement of Undisputed Material Facts ("SUMF"), and the contemporaneously submitted Memorandum of Law in Support of the Motion For Summary Judgment, there "is no genuine issue as to any material fact and that [Mr. Jones] is entitled to a judgment as a matter of law." Tenn. R. Civ. P. 56.04.

The undisputed material facts demonstrate that (1) that Mr. Jones' inadvertent error with respect to turning over the third "statement" of Andrew Hammack is not a violation of Tenn. Sup. Ct. R. 8, RPC 3.8(d) justifying discipline of any type; (2) that Mr. Jones did not "knowingly disobey an obligation under the rules of a tribunal" as is required to prove a violation of Tenn. Sup. Ct. R. 8, RPC 3.4(c); and (3) that Mr. Jones did not engage in any conduct that was

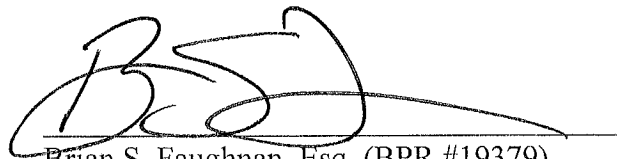
¹ Unless otherwise provided to the contrary in a portion of Rule 9 itself, the Tennessee Rules of Civil Procedure "apply in disciplinary case proceedings before a hearing panel." Section 34.3(a) of Tenn. Sup. Ct. R. 9, § 34.3(a).

“prejudicial to the administration of justice” so as to be a disciplinable violation of Tenn. Sup. Ct. R. 8, RPC 8.4(d). Further, as a matter of law, the Hearing Panel should treat the conclusions of the Tennessee Supreme Court regarding the unintentional nature of Mr. Jones’ conduct, informed as it was by the conclusions drawn by the jurist best positioned to resolve the question of intent, the trial court judge, and the fact that no member of the Tennessee Supreme Court took any action against Mr. Jones under Tenn. Sup. Ct. R. 10, RPC 2.15 as being of preclusive, binding effect as to the Hearing Panel’s consideration of this matter.

In support of this motion, in addition to the SUMF and the supporting memorandum of law being filed with the Board, Mr. Jones also relies upon the entire transcript of his June 21, 2016 deposition taken in this matter which is being separately filed as part of the record in this matter, and the three items attached as Exhibits to this motion, including the Declaration of Chris Craft Pursuant to Tenn. R. Civ. P. 72.

Respectfully submitted,

LEWIS THOMASON

A handwritten signature in black ink, appearing to read 'B. S. Faughnan', written over a horizontal line.

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Motion for Summary Judgment has been served upon Deputy Chief Disciplinary Counsel Krisann Hodges, Esq., by email and by regular U.S. Mail, postage prepaid, at 10 Cadillac Drive, Suite 220, Brentwood, Tennessee 37027 on this the 2nd day of August 2016.


BRIAN S. FAUGHNAN