



BOARD OF PROFESSIONAL RESPONSIBILITY  
OF THE  
SUPREME COURT OF TENNESSEE

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RELEASE OF INFORMATION  
RE: TREY CAIN BPR# 23543  
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BOARD OF PROFESSIONAL RESPONSIBILITY  
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October 26, 2009

WILLIAMSON COUNTY LAWYER CENSURED

On October 23, 2009, Trey Cain, an attorney licensed to practice law in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

In November 2008, Cain formed an LLC with two non-lawyers for the purpose of handling loan modifications for clients who were in danger of defaulting on real estate loans. The "law-related services" were promoted as having attorney involvement which would be beneficial to its clients. Cain failed to take reasonable measures to assure that persons obtaining the "law-related services" knew that the services were not legal services and that the protections of the client-lawyer relationship did not exist. The LLC had a 100% refund policy and client payments were deposited into a bank account set up by Cain. Non-lawyers had access to the bank account and withdrawals were made without proper accounting. Cain shared fees with non-lawyers in conjunction with the "law-related services." In March 2009, Cain discovered that work was not being diligently performed on behalf of a client. Cain also discovered that there were insufficient client funds available to meet the LLC's 100% refund policy. Cain withdrew the remaining client funds and commingled the funds with his law firm trust account.

By the facts as stated above, Cain violated Rules of Professional Conduct RPC 1.4 (communication), RPC 1.15 (safekeeping funds), RPC 5.3 (non-lawyers), RPC 5.4 (lawyer independence), and RPC 5.7 (law-related services), and is hereby Publicly Censured for these violations.

Cain 32139-6 rel.doc

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