

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

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

RELEASE OF INFORMATION
RE: MALCOLM LEONARD MCCUNE, BPR# 2660
CONTACT: PRESTON SHIPP
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

August 5, 2009

NASHVILLE LAWYER CENSURED

On August 5, 2009, Malcolm McCune, licensed in Tennessee, received a Public Censure from the Board of Professional Responsibility of the Tennessee Supreme Court.

McCune was retained in 2004, to represent a Complainant in a medical malpractice case. One month later, McCune transferred the case to an associate in his law firm without the Complainant's permission. McCune did not communicate with the Complainant or monitor the Complainant's case, despite the fact that he remained counsel of record. Also, McCune failed to advise the Complainant that in early 2007, the associate to whom McCune transferred the case left McCune's firm and took the Complainant's case with him. McCune did not obtain the Complainant's consent before allowing his case to leave the firm. As a result of the associate's negligent handling of the Complainant's case, for which McCune was directly responsible as co-counsel, the case was dismissed in mid-2007. In representing the Complainant, McCune did not act with reasonable diligence, did not adequately communicate with the Complainant, and did not adequately supervise the associate to whom he transferred the Complainant's case.

Malcolm McCune, has violated Rules of Professional Conduct 1.3 (Diligence), 1.4 (Communication), and 5.1 (Supervision), and is hereby Publically Censured for these violations. A Public Censure is a rebuke and warning to the attorney, but it does not affect the attorney's ability to practice law.

McCune 30834-5 rel.doc

PLEASE NOTE

YOU MAY SUBSCRIBE TO RECEIVE INFORMATIONAL RELEASES, FORMAL ETHICS OPINIONS, NEWSLETTERS AND ANNUAL REPORTS ELECTRONICALLY BY SIGNING IN AT THE BOARD'S WEBSITE

www.tbpr.org/Subscriptions