

**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
DAVID E. DANNER, BPR# 17060
CONTACT: NANCY JONES
BOARD OF PROFESSIONAL RESPONSIBILITY
(615) 361-7500

August 19, 2009

FEDERAL COURT LAWSUIT AGAINST BOARD DISMISSED

On June 27, 2008, David E. Danner filed a complaint in the United States District Court for the Middle District of Tennessee against the Board of Professional Responsibility and Disciplinary Counsel. In the complaint, Mr. Danner alleged that in violation of 42 U.S.C. §§ 1983 and 1985, disciplinary action had been taken against him in retaliation for an article he published in *The City Paper* in Nashville in March 2008 criticizing the Tennessee Plan's selection process for state judges. On August 7, 2008, Senior U.S. District Judge John T. Nixon dismissed the complaint under the abstention doctrine finding that it was in all material respects identical to a lawsuit Danner had filed against the Board in April, 2006, and that it was undisputed that no proceeding was ongoing seeking the suspension of Danner's law license. Danner appealed from the dismissal. The Sixth Circuit Court of Appeals affirmed the dismissal and Danner sought *en banc* review, which was denied. On August 14, 2009, the Mandate of the Court of Appeals was sent to the district court.

Danner 3:08-0651 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