



# Supreme Court State of Tennessee

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## **Tennessee Supreme Court Denies Disability Status to Attorney Facing Disciplinary Complaints**

**Nashville, Tenn.** – The Tennessee Supreme Court has upheld the decision of the Knox County Chancery Court that attorney Thomas F. Mabry has not proven that he lacked the capacity, by reason of mental illness, to respond to or defend against a disciplinary complaint filed against him.

The Tennessee Supreme Court, as part of its duty to regulate the practice of law in the state, has a procedure in place for attorneys suffering from physical or mental illness to notify the Court when their illness prevents them from responding to or defending against disciplinary complaints filed by the Board of Professional Responsibility. When it receives such a notice, the Court temporarily places the attorney on disability inactive status and then usually refers the matter to a hearing panel for further determinations. The procedure is found in Tennessee Supreme Court Rule 9, section 27.4(a).

In 2015, Mr. Mabry filed a notice with the Tennessee Supreme Court that he was suffering from a mental illness that prevented him from defending against a disciplinary complaint. The court referred his case to a hearing panel to receive evidence regarding Mr. Mabry's contention. At the hearing, Mr. Mabry testified about his mental illness, and he presented a letter from a clinical social worker confirming his mental illness. The hearing panel determined that he had not shown that the illness prevented him from defending against the disciplinary complaint. Upon review by the Knox County Chancery Court, the chancery court agreed with the panel.

The Tennessee Supreme Court heard the matter on direct appeal. The court, noting that Mr. Mabry did not present any evidence that his disability made it impossible for him to respond to the disciplinary complaint, affirmed the chancery court's decision.

To read the unanimous opinion in [\*Thomas F. Mabry v. Board of Professional Responsibility\*](#), authored by Justice Roger A. Page, go to the opinions section of [TNCourts.gov](http://TNCourts.gov).

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