

IN THE CIRCUIT COURT FOR
DAVIDSON COUNTY, TENNESSEE

In the matter of)
PERRY A. CHAPDELAIN on)
behalf of Citizens of the)
State of Tennessee)
Plaintiff)

vs.)

Case No. _____

Henry W. Haile III, Attorney)
Defendant)
_____)

PETITION FOR
DISBARMENT OR DISCIPLINARY ACTION

PERRY A. CHAPDELAIN
Rt. 4, Box 137
Franklin, Tenn. 37064
(615) 352-0625

TABLE OF CONTENTS

	Page
I. PETITION FOR DISBARMENT OR DISCIPLINARY ACTION	1
A. <u>Introduction</u>	1
The Tennessee Code Annotated authorizes individuals to file proceedings in Circuit Court	
B. <u>Charges</u>	2
Specific Claims are nine in number	
C. <u>Proposed Extended Line for Court Inquiry</u>	2
In addition to Plaintiffs, it is suggested that court review other cases, both criminal and civil, including the celebrated James Earl Ray case	
D. <u>Remedy</u>	2
On finding of guilty by jury, recommended that Defendant be disbarred and/or disciplined; and that Defendant make other restitution and recompense	
II. <u>BILL OF PARTICULARS</u>	3
A. <u>Point 1: KNOWINGLY INTRODUCING INCOMPLETE AND OTHERWISE MISLEADING AFFIDAVITS</u>	3
B. <u>Point 2: KNOWINGLY INTRODUCING ONLY PARTIAL CASE FILES TO SUPPORT ALLEGATIONS</u>	3
C. <u>Point 3: CASTING ASPERSIONS UPON LITIGANTS WHEN NOT MATERIAL AND/OR ARE SUBSEQUENTLY NOT SUPPORTED BY EITHER FURTHER ARGUMENTATION OR PROOF</u>	4
D. <u>Point 4: MAKING STIPULATIONS AND AGREEMENTS WITH FELLOW BAR MEMBERS THAT ARE WILLY NILLY RESCINDED</u>	5
E. <u>Point 5: OBFUSCATING ISSUES UNNECESSARILY FOR THE PURPOSE OF DELAY AND DEFEAT OF JUSTICE</u>	6
F. <u>Point 6: INTRODUCING ONLY PARTIAL EVIDENCE TO SUPPORT A NEGATIVE CLAIM AGAINST LITIGANT ALL THE TIME KNOWING THAT THE REMAINDER OF THE EVIDENCE NULLIFIES THE CLAIM</u>	7
G. <u>Point 7: OFFERING TO USE THE POWER OF THE ATTORNEY GENERAL OFFICE EITHER IN A WAY CONTRARY TO LAW, OR, BY SELECTIVELY INHIBITING ITS EXERCISE THEREBY DENYING PLAINTIFF EQUAL PROTECTION BEFORE THE LAW</u>	7
H. <u>Point 8: SLANDERING PLAINTIFF TO NEWS REPORTER FOR PURPOSE OF PREVENTING ARTICLE DEMONSTRATING RELATION- SHIP OF PLAINTIFF'S PROBLEMS TO STATE ACTIONS</u>	8

I. Point 9: CITING CASES THAT ARE NOT RELATED TO THE ISSUES, AND ALSO DECLARING THAT THE PREPONDERANCE OF CASES CITED AND THOSE NOT CITED ARE OVERWEIGHING IN DEFENDANT'S FAVOR WHEN, IN FACT, THE OPPOSITE IS TRUE......8

III. SUMMARY AND EFFECT ON PLAINTIFF OF UNETHICAL ACTS......9
State has reduced Plaintiff to pauper status, and maintained him there; has pursued Plaintiff from employer to employer, and even now unlawfully and unethically attacks Plaintiff's present employer

IV. CITATIONS AND LEGAL PRINCIPLES AND REFERENCES10

A. Citations and Legal Principles......10
Wherein are cited dozens of cases and principles demonstrating that the above Bill of Particulars is reasonable, and also grounds for Disbarment and/or Disciplinary proceedings.

B. References......11
Wherein are cited cases, attornies, Chancellors, documents, magnetic tape, and other evidence to form the body of the case before the jury

V. CERTIFICATE OF ACCURACY AND PAUPER'S OATH......16

A. Certificate of Accuracy......16

B. Pauper's Oath......16

I. PETITION FOR DISBARMENT OR DISCIPLINARY ACTION

A. Introduction

This petition is brought before the court under Tennessee Code (29-308, 309, 310) authorizing any individual to file proceedings in Circuit Court against any attorney who is guilty of any unprofessional conduct, dishonesty, malpractice, or any conduct which renders him unfit to be a member of the bar (TCA 29-308, par. (5)); and who shall commit or may have committed any misdemeanor¹ involving moral turpitude² (TCA 29-308, Par. (1))³.

B. Charges

SPECIFIC CLAIMS in this petition will cover the alleged unethical practices of Defendant respecting his relations with litigants and with fellow bar members, including, but not ultimately limited to, the following points:

1. Knowingly introducing incomplete and otherwise misleading affidavits;
2. Knowingly introducing only partial case files to support allegations;
3. Casting aspersions against litigants that are immaterial and are not subsequently supported by either further argumentation or proof;
4. Making stipulations and agreements with fellow bar members that are thereafter willy nilly rescinded;
5. Obfuscating issues unnecessarily for the purpose of delay and the defeat of justice;
6. Introducing only partial evidence to support a negative claim against litigant all the time knowing that the remainder of the evidence nullifies the claim;
7. Offering to use the power of the Attorney General Office either in a way contrary to law, or, by selectively inhibiting its exercise thereof, denying Plaintiff equal protection before the law;
8. Slandering Plaintiff to news reporter for purpose of preventing article demonstrating relationship of Plaintiff's problems to State actions;
9. Citing cases that are not related to the issues, and also declaring to Court that the preponderance of cases are overwhelming in Defendant's favor when, in fact, the opposite is true.

C. Proposed Extended Line for Court Inquiry

It is respectfully suggested that the Court direct inquiry into the past one and a half to two years of files, wherein Defendant has defended or prosecuted, to ascertain if the above pattern also holds true for other cases. In particular, for example, and from information and knowledge received, the celebrated James Early Ray case, convicted killer of Martin Luther King, will probably be found congested with similar incidents of unethical behavior on the part of Defendant. (Jim Lesar, Attorney, ⁴⁸1231 4th St. S. W, Washington D. C. 20024). From other information received, at least one falsehood will be found in the Nashville Civil Suit 74-245, Cincinnati Court of Appeals. By reviewing past files and examining opposing attorneys, the Court can rapidly ascertain whether or not the pattern herein declared is and has been wide spread, possibly resulting in the mis-carriage of justice for both Criminal and Civil Law, wherever Defendant has practised. Perhaps the Court will also take cognizance of the severe damage ²² that can be done by a practising attorney who performs unethical and fraudulent behavior before the bar also as an Attorney General Assistant ²⁵ normally presumed by the Courts to have the best interests of the people in mind at all times.

D. Remedy

1. On the Jury finding Defendant guilty, on one ⁷ or more points as charged, herein and in other cases as the Court directs its inquiry, ²⁸ that the Defendant be recommended for summary disbarment and/or disciplined ¹² according to the measure of the Court's findings.

2. That the Court direct the Defendant to make such other restitution and recompense as necessary, feasible, and appropriate, according to the Jury's inquiry ¹⁷ and the Court's findings.

II. BILL OF PARTICULARS

A. Point 1: KNOWINGLY INTRODUCING INCOMPLETE AND OTHERWISE MISLEADING AFFIDAVITS.^{4, 5, 8, 16, 18, 19}

In Case A-3114²⁹ Defendant filed and himself signed an affidavit purporting to show that Civil Engineers were required to study land surveying courses at Vanderbilt University. This affidavit was supported by two duplicated college catalog pages, the first and the third in a sequence of three related to the topic of discussion. By deliberately leaving out the middle page, Defendant thereby made appear to the Court that his allegations were true, when, in fact, the middle page of the three denied his assertion.

References: Technical Record Case A-3114²⁹; Robert Kamenshine³⁰, also see footnotes 9 and 10.

B. Point 2: KNOWINGLY INTRODUCING ONLY PARTIAL CASE FILES TO SUPPORT ALLEGATIONS.^{4, 8, 16, 18}

During pro-trial phases in Case A-1840³¹ Defendant alleged to have brought to the attention of Chancellor and Plaintiff's attorneys a prior complete case file from Federal Court, thereby permitting Defendant to claim res judicata as a defense, and also appearing to demolish Plaintiff's case against the state. Finding that a single Motion for Non-suit remained in the Federal file effectively countered State's claim to res judicata.

References: Case A-1840 Bill of Exceptions, corrected copy lies with James Petersen³² Attorney; Court approved recording also available³³ also Jack Thompson III³⁴ Attorney; Chancellor Ben Cantrell³⁴ Federal Court Records to be found both in Nashville Federal Court and in Technical Record, Case A-1840; also see footnotes 9 and 10.

C. Point 3: CASTING ASPERSIONS UPON LITIGANTS WHEN NOT MATERIAL AND/OR ARE SUBSEQUENTLY NOT SUPPORTED BY EITHER FURTHER ARGUMENTATION OR PROOF. l. 6, 8, 11, 16, 19, 20, 21

1. Defendant accused Plaintiff in Case A-1840 of stealing documents from Secretary of State Office that would show the true teacher tenure law to be five years instead of three years. After trial, subsequent search^{46, 47} revealed copies of letters easily available to both the Attorney General and the Board of Education (Regents) showing that then Attorney General McCanless did not approve then Commissioner of Education Wharf request for change of tenure law.

References: See letters attachment 1 and 2, hereto;
Bill of Exceptions, Case A-1840; Chancellor Ben Cantrell; Attorneys Petersen and Thompson.

2. Other incidents in Case A-1840 are numerous and consisting chiefly of immaterial and unsubstantiated testimony or comments aimed at destroying the legitimate legal case by destroying the credibility and character of Plaintiff. These attempts include page 1 and page 2 of a certain pre-trial motion wherein Defendant writes that Plaintiff "...has been a misfit in every job he ever held. The fact that he was tolerated at Tennessee State University for four years is remarkable." In a later document entitled MOTION FOR A NEW TRIAL AND, IN THE ALTERNATIVE, FOR AN AMENDMENT OF JUDGMENT, Paragraph 4, Page 2, Defendant writes: a series of claims that are (a) entirely false; (b) half-truths; (c) mis-directive to the Court; (d) knowingly slanderous and untrue by Defendants own research efforts during and before pre-trial stages.

References: See Bill of Exceptions in entirety, Case A 1840; Interrogatories³⁵ taken by Defendant favorable to Plaintiff but not submitted to trial Court; Chancellor Ben Cantrell; Attorneys Petersen and Thompson.
also see footnotes 9 and 10.

D. Point 4: MAKING STIPULATIONS AND AGREEMENTS WITH FELLOW BAR MEMBERS THAT ARE WILLY NILLY RESCINDED.^{15, 16, 18}

1. Defendant stipulated that change of teacher tenure time from three years to five years was not signed by Attorney General, as required by law, during pre-trial conference. Subsequently, in trial, Defendant refused to so stipulate, although having no factual basis for turnabout, preferring, apparently, to use this factor as basis to later introduce evidence construed to be damaging to Plaintiff, for the sole purpose of character assassination.

References: See Bill of Exceptions, Case A 1840; Chancellor Cantrell; Attorneys for Plaintiff Petersen and Thompson.
also see footnotes 9 and 10.

2. Defendant advised by letter that if Plaintiff's attorney, Case A 3142³⁰ would agree to drop challenge to State's police power, Defendant would agree to go for summary judgment. Subsequently Defendant reneged on this agreement, leaving Plaintiff in weaker position, causing unnecessary case delay which caused and is causing hardship on Plaintiff, and providing himself with an opportunity to further obfuscate issues to the detriment of Plaintiff.

References: Robert Kamenshine³⁰; Letter held by Kamenshine; Chancellor High³⁰
also see footnotes 9 and 10.

E. Point 5: OBFUSCATING ISSUES UNNECESSARILY FOR THE PURPOSE OF DELAY AND DEFEAT OF JUSTICE. 8, 16, 18, 19, 24, 26, 27

1. During the first hearing in case A3142²⁹, the Chancellor offered to give summary judgment in Plaintiff's favor. On Defendant's guarantee that important factual issues must be resolved, Court directed Attornies to resolve the factual issues. During pre-trial conference Defendant offered several extremely weak issues that were immediately stipulated. Defendant refused to accept stipulations, thus further obfuscating issues, creating thereby an additional year of delay that has seriously damaged Plaintiff's ability and right to earn a living, and thereby defeating the cause of justice. This unnecessary and ill-founded delay also permitted Defendant to move against Plaintiff's employer in unfair manner, thus also threatening Plaintiff's sole source of income.

References: Chancellor Drowota³⁷; Robert Kammenshine³⁰; Technical Record Case A 3142²⁹.

2. Related to section 1, above, and also displaying the true motive behind unwillingness to accept stipulation and also claiming that factual issues must be heard, is the following: After obfuscating a year's delay, Defendant moved to include the charge that Plaintiff was practising Land Surveying without a license, striving to attach this criminal charge to a permissive Civil Suit, and without proof or foundation. Defendant also signed complaint against Plaintiff's employer before Board of Examiners for Land Surveyors, charging said employer with fraud, deceit, and aiding and abetting the practice of Land Surveying without a license. By signing the complaint himself, and also becoming the witness against Plaintiff's employer, Defendant also and at the same time performs as prosecutor by proxy, all based upon knowingly faulty and deliberately misconstrued information, thus substantiating Plaintiff's thesis that Defendant practices personal vendetta against Plaintiff, thus also mis-using the position of his office as the Attorney General Assistant.

References: Chancellor High³⁶; Tom Jennings, Jr.³⁸ Attorney;
Jack R. Underwood³⁷; Members of Board of Examiners
for Land Surveyors⁴⁰; Gary Blackburn⁴¹ Attorney;
Robert Kamenshine³⁰; The Technical Record Case
A 31142²⁹.

F. Point 6: INTRODUCING ONLY PARTIAL EVIDENCE TO SUPPORT A NEGATIVE CLAIM AGAINST MITIGANT ALL THE TIME KNOWING THAT THE REMAINDER OF THE EVIDENCE NULLIFIES THE CLAIM.^{4, 8, 16, 18, 19}

1. Defendant claimed in Case A-1840 that Plaintiff had National Science Foundation grant terminated solely because of Plaintiff's incompetence, this despite contrary affidavits sought by Defendant, and in Defendant's hands, signed and sworn by National Science Foundation Executives showing satisfaction with Plaintiff's performance.

References: Bill of Exceptions, Case A-1840; Affidavits signed by Alfred Borg and Jerome Dana⁴²; other documents to be found in Technical Record of A-1840.
also see footnotes 9 and 10.

G. Point 7: OFFERING TO USE THE POWER OF THE ATTORNEY GENERAL OFFICE EITHER IN A WAY CONTRARY TO LAW, OR, BY SELECTIVELY INHIBITING ITS EXERCISE, THEREBY DENYING PLAINTIFF EQUAL PROTECTION BEFORE THE LAW.^{13, 15, 16, 26}

1. During pre-trial negotiations, Case A 1840, Defendant offered a deal in return for dropping the Case. Defendant offered to intercede with the Board of Examiners for Land Surveyors to aid Plaintiff in getting his license. When Plaintiff filed an affidavit during trial exposing the preferred arrangements, Defendant stated that the offer was unqualified⁴³. The Court should respectfully note that if the Board of Examiners for Land Surveying acted lawfully in denying Plaintiff right to take examination, then presumably the Attorney General Office did not have the right and authority to interfere with the process. Conversely,

if the Board of Examiners for Land Surveying acted unlawfully, then Plaintiff had right to equal protection before the laws through Attorney General Office, irrespective of "deals." Court should also take cognizant of the fact that after a year's delay, and in spite of this offer made before the Court, Defendant now incorrectly charges Plaintiff with practising land surveying without a license.

References: Bill of Exceptions, Case 1840; Technical Record, Case 1840; Richard Buerger¹⁴ Attorney

H. Point 8: SLANDERING PLAINTIFF TO NEWS REPORTER FOR PURPOSE OF PREVENTING ARTICLE DEMONSTRATING RELATIONSHIP OF PLAINTIFF'S PROBLEMS TO STATE ACTIONS. 13, 15

1. A news reporter called Defendant to explain that he was considering writing a feature article on Plaintiff, and Plaintiff's five years of troubles with various state functionaries. Defendant immediately begin to slander Plaintiff in ways calculated to discourage the reporter from pursuing the topic.

References: see footnote 45.

I. Point 9: CITING CASES THAT ARE NOT RELATED TO THE ISSUES, AND ALSO DECLARING THAT THE PREPONDERANCE OF CASES CITED AND THOSE NOT CITED ARE OVERWHELMING IN DEFENDANT'S FAVOR WHEN, IN FACT, THE OPPOSITE IS TRUE. 4, 16, 18, 19, 23

1. In Case A 1840 Defendant submitted before the Court a half page of citations purporting to prove his claim, and also declared that a certain case was the sole key case; he also asserted to the Court that the preponderance of cases was overwhelming in Defendant's favor. Subsequent research demonstrated that virtually none of the citations were related to the case, that there were two key cases, under different conditions, and that all cases cited were extremely old, since contravened by a preponderance of state and federal cases which demonstrated exactly opposite Court rulings.

Reference: See Technical Record, Case A 1840 also footnote 9 and 10

III. SUMMARY AND EFFECT ON PLAINTIFF OF UNETHICAL ACTS.

A. This petitioner further shows and avows that he is a pauper, having been reduced to this condition by unlawful state actions, and having been continued in this condition because of his inability to obtain a license for land surveying from a board which he alleges is unconstitutionally formed;

B. That he has filed a suit²⁹ against the aforementioned Board, seeking to remove its restraints on his ability to earn a living;

C. That during the course of a year during which said lawsuit has been pending in the Chancery Court for Davidson County, Plaintiff, greatly to his distress and continued detriment, has been subjected to inordinate delays and extra-legal personal abuse on the part of Defendant, in his office of Assistant Attorney General.

D. That said Defendant, having been administratively removed from future representations of the Board of Examiners for Land Surveyors, continues on Plaintiff's case, and also files personal and malicious complaints against Plaintiff's employer³⁹ in an effort to get the Board to revoke the Plaintiff's employer's license.

E. That Defendant, having been involved in other actions brought by Plaintiff in years past has a personal and abiding prejudice¹³ against Defendant beyond all reason for the normal adversary role, the basis to which Plaintiff does not understand, but nonetheless exists;

F. That Defendant, knowing and being fully apprised that Plaintiff's very livelihood and hope for the future success in supporting his rather large family depends on this case being expeditiously resolved, has used all manner of tactics, legal, extra-legal, and unethical to prevent a speedy and timely resolution of the lawsuit.²⁹

IV. CITATIONS AND LEGAL PRINCIPLES AND REFERENCES

A. Citations and Legal Principles

1. Misdemeanor as used herein is the equivalent of professional misbehavior and is not necessarily used in any technical sense of an offense punishable by fine or imprisonment.

2. Moral turpitude comprises everything done contrary to justice, honesty, or good morals, and misconduct in reference to one's duties and obligations as an attorney in conduct contrary to justice, honesty, modesty, or good morals.

3. The legislature did not intend to limit the power to disbar to the causes specifically mentioned, but there may be disbarment for any good cause. *Ingersoll v. Coal Creek Coal Co.* (1906), 117 Tenn. 263, 98 S. W. 178, 9 L. R. A. (N. S.) 282, 119 Am. St. 1003, 10 Ann. Cas 829.

4. False Evidence, presenting or permitting, as ground for disbarment. 14 A. L. R. 868.

5. Perjury as ground for disbarment or suspension of attorney, 9 A. L. R. 200; 43 A. L. R. 110; 55 A. L. R. 1375.

6. In disbarment proceeding for ... abuse of witnesses where no proof was introduced to support more than half of the charges against the witnesses...disbarment was proper. *State ex rel Turner v. Denman* (1952), — Tenn. App. ___, 259 S. W. (2d)891.

7. A single act of misconduct or indiscretion may not alone justify discipline but where discipline is not ordered for the single act such act may later combine with subsequent acts to justify a judgment of unfitness and discipline. *Berke v. Chattanooga Bar Assn.* (1968), 58 Tenn. App. 636, 436 S. W. (2d) 296.

8. Fabrication or suppression of evidence as ground of disciplinary action against attorney. 40 A. L. R. (3d) 169.

9. If a lawyer is accused of misconduct in handling a case then any part of the record in that case which evidences the misconduct or its circumstances is admissible. Berke v. Chattanooga Bar Assn. (1968), 58 Tenn. App. 636, 436 S. W. (2d) 296.

10. Pleadings and proof in cases in which an attorney appeared either as an attorney or as a party can be offered in evidence to the extent that they are relevant to the issue of fitness to practice...Tennessee Bar Assn. v. Berke (1960) 48 Tenn. App. 140, 344 S. W. (2d) 567.

11. Although an attorney who conducts a case is privileged, as long as the matter introduced by him is relevant to the issue, in a few instances the courts have disbarred an attorney who aspersed the character of a litigant, where, in the opinion of the court such aspersion was irrelevant, and generally indicative of an obtuse moral and ethical attitude which unfitted such attorney for the practice of the law. Re Macy (1921) 109 Kan. 1, 14 A. L. R. 848, 196 Pac. 1095; Re Hansen (1918) 182 App. Div; 568, 169 N. Y. Supp. 881; A. L. R. 44, P. 494; ASPERSING CHARACTER OR REPUTATION OF LITIGANT AS GROUND FOR DISBARMENT OF ATTORNEY.

12. While a license to engage in the practise of law will not be revoked for trivial causes, impropriety, or breaches of good taste, discipline for misconduct is not limited to cases where the attorney's acts are infamous or of a gross or serious nature. Ill. — People ex rel. Chicago Bar Ass'n v. Lotterman, 187 N. E. 424, 353 Ill. 399; Okl. Cit; Pa. Cit; S. D. Cit; Wis. Cit; Lewis v. Board of Governance of Pennsylvania Bar, 173 A. 652, 316 Pa. 193.

13. An attorney is admitted as a member of the bar to promote the ends of justice, and that implies something more than private gain — In re Bond 31 P. (2d) 921, 168 Okl. 161; See C. J. S. Attorney and Client, Par. 19,

page 734 for more citations.

14. Attorney must conduct his activities so that he will not be repeatedly open to assaults upon his honor, and repeated failure to do so raises suspicion of unfitness and tends to discredit the profession — People ex rel Chicago Bar Ass'n v. Sherwin 4 N. E. (2d) 477, 364 Ill. 350; more citations in C. J. S. Op. Cit, page 735.

15. Immoral conduct is that conduct which is willful, flagrant, or shameless, and which shows a moral indifference to the opinion of the good and respectable members of the community. C. J. S. Op. Cit.

16. Malpractice by an attorney comprises any conduct which shows such intentional fraud on the court or client as involves moral turpitude. C. J. S. Op. Cit.

17. Professional ethics is not a distinct system of morality, but it is the application of the accepted standards of right and wrong to the conduct of professional men in the business relations peculiar to their professional employment — In re Williams, (Okla.) 50 P. (2d) 729.

18. Unfair dealing with other attorneys, intermeddling with their clients, making false and scandalous remarks concerning them, etc, constitutes ground for disciplinary proceedings. C. J. S. Op. Cit, Page 751.

19. Conduct on the part of an attorney tending to subvert or obstruct justice is a ground for suspension or disbarment...endeavoring by dishonest means to mislead the court or jury...A duty rests on the courts to maintain the integrity of the legal profession by disbarring attorneys who indulge in practices designed to bring the courts or the profession into disrepute, or to perpetrate a fraud on the courts, or to corrupt and defeat the administration of justice: People ex rel. Chicago Bar Ass'n v. Sherwin, 4 N. E. (2d) 477, 364 Ill. 350. An attorney may be suspended or disbarred for perverting, or attempting to pervert, a decision of a cause on the merits, by deceiving or misleading the court...

Ibid...filing a sham answer or affidavit for the purpose of delay...Ibid...
submitting only a partial statement of material facts known to him...Ibid...
prosecuting a claim known to him to be unjust and without merit...Ibid...

20. Permitting client to testify falsely — In re Hoover,
(Ariz 46 P. (2d) 647.

21. Misrepresentation to discredit witnesses — In re
Metzger, 31 Hawaii 929.

22. Zealousness no excuse — In re Hoover, *Op. Cit.*

23. Citing a case as controlling without informing the
court of unreported decisions known to him which discredit it; Matter of V _____,
42 N. Y. S. 268, 10 App. Div. 491.

24. Filing false or sham pleadings; In re Tinney, 176
N. Y. S. 102, 187 App. Div. 569 — 6 C. J. p 597 note 24.

25. Misconduct of an attorney acting in an official
capacity such as attorney general has been held to constitute a ground for
his suspension or disbarment; In re Becker, 203 N. Y. S. 437, 208 App. Div. 224
— C. J. p 600 note 83 (b).

26. Using criminal procedure or threatening criminal
proceedings to enforce a civil claim; C. J. S. *Op Cit* 760...blackmailing;
Ibid; It was dishonorable and unprofessional for an attorney to cause prosecution
to be instituted without foundation or probable cause to bring about a settlement
of a civil action...In re Wagoner, 199 N. W. 244, 47 S. D. 401.

27. Giving false testimony before investigating board;
In re Kohler, 270 N. Y. S. 634, 240 App. Div. 501 — In re Branch, 165 N. Y. S.
688, 178 App. Div. 585; also bringing actions on groundless claims; In re Macy,
196 P. 1095, 109 Kan. 1, 14 A. L. R. 848.

28. Technical defenses are unavailable to an attorney where
he knows his conduct was ethically wrong...should not rely on technical defenses

or employ sophistry in argument in an attempt to establish a superficial justification; in re Feinstein, 253, N. Y. S. 455, 233 App. Div. 511; nor is it any defense that others in the same community have been guilty of the same offense C. J. S. Op. Cit. P. 764; that he was ignorant of the law violated, that he was acting for himself and not for another, that he acted for his client, the State; nor is an attorney justified in wrongfully deviating from a strict performance of his duty to the court because of a bona fide belief that his adversary is attempting to take an unfair advantage; C. J. S. Op. Cit. p. 765.

B. References

29. PERRY A. CHAPDELAIN vs. BOARD OF EXAMINERS FOR LAND SURVEYORS, Case A 3142, in Chancery Court of Davidson County. (Now before 4th judge for hearing in period of a year.)
30. Robert Kamenshine, Professor and Attorney, Vanderbilt Law School, Attorney in case A 3142, for Plaintiff.
31. PERRY A. CHAPDELAIN vs. TENNESSEE STATE UNIVERSITY AND UNIVERSITY OF TENNESSEE, Case A 1840, in Chancery Court of Davidson County (Judgment in Plaintiff's favor; status, imperfect appeal pleas on both sides)
32. James Petersen, On the Square, Franklin, Tenn.; Attorney in Case A 1840, for Plaintiff.
33. Court approved magnetic reel tape available from Plaintiff.
34. Jack Thompson III, Nashville, Tenn; Attorney in Case A 1840, for Plaintiff.
35. In particular, interrogatories from Alfred Borg and Jerome Dane secured by Defendant from National Science Foundation.
36. Robert Kamenshine made allegation before Chancellor High, Chancery Court of Davidson County

37. Chancellor Drowota initially offered summary judgment in Plaintiff's favor, was subsequently promoted to Appeals Court; thereafter case has drifted without decision through two more judges, and now faces a fourth.

38. Tom Jennings, Jr, Assistant Attorney General; defends Defendant in suits; substitutes for Defendant; has taken some of Defendant's prior responsibilities.

39. Jack R. Underwood, Pegram Tenn, Licensed Surveyor who employs Plaintiff, and who is now under attack by Defendant on spurious grounds.

40. Members of the Board of Examiners for Land Surveyors; John J. Harris; A. B. Thompson; L. W. Murphy.

41. Gary Blackburn, Attorney for Jack R. Underwood, in Nashville, Tenn.

42. See footnote 35.

43. "I offered Mr. Chapdelaine — offered to go up there and intercede with the Board in his behalf — period. No reasons. Isn't that true, Mr. Chapdelaine?" Quotes from Bill of Exceptions taken from Case A 1840, where Defendant asserts before Court that he had offered to intercede with Board.

44. Richard Buehner, Franklin Attorney, who also witnessed some of the Defendant's offers to settle on apparently spurious grounds.

45. Permission for full disclosure of this incident is pending, after which name will be divulged.

46. Attachment I: Letter from Wharf to McCanless requesting permission to change teacher tenure law.

47. Attachment II: Letter from McCanless refusing permission to change teacher tenure law.

48. Permission granted by Jim Lesar, Attorney for James Earl Ray.

V. CERTIFICATE OF ACCURACY AND PAUPER'S OATH

A. Certificate of accuracy

I hereby ^{certify} that the foregoing, and attachments, are correct and accurate to the best of my knowledge.

Perry A. Chapdelaine
Perry A. Chapdelaine

Witnessed and subscribed before me this March 20, 1975. Notary Public.

My Commission Expires Feb 11 - 1979

D.B. Winnie

B. Pauper's Oath

I hereby avow and make known that I am a Pauper, having no resources of any significance.

Perry A. Chapdelaine
Perry A. Chapdelaine

Witnessed and subscribed before me this March 20, 1975. Notary Public.

My Commission Expires Feb 11 - 1979

D.B. Winnie

Attachment I

May 20, 1969

Honorable George F. McCasland
Attorney General
Supreme Court Building
Nashville, Tennessee

Dear General McCasland:

I am enclosing four copies of "Policies of the State Board of Education Implementing Chapter 252, Public Acts of 1961, An Act to Authorize and Require the State Board of Education to Establish A System of Tenure for Teachers in the State Colleges and Universities Under the Control of Said Board; and to Define a Teacher (As Codified in Section 49-1421 and 49-1422 of Tennessee Code Annotated). These are sent for your review and approval as to legality in accordance with the provisions of Section 4-501 through 4-506, Tennessee Code Annotated.

Upon receipt of your approval, copies of this policy will be filed with the Secretary of State.

Sincerely yours,

J. H. Warf, Chairman
State Board of Education

JHW/js

Enclosures

STATE OF TENNESSEE



GEORGE F. MCCANLESS
ATTORNEY GENERAL & REPORTER

OFFICE OF THE
ATTORNEY GENERAL
SUPREME COURT BUILDING
NASHVILLE, TENNESSEE 37219

DEPUTY ATTORNEYS GENERAL
HILTON P. RICE
THOMAS E. FOX
ASSISTANT ATTORNEYS GENERAL
ROBERT B. MILLER
JOE T. McCARY
ELMER D. DAVIES, JR.
WILLIAM L. BROOKS
DAVID W. McMACKIN
PAUL E. JENNINGS
ALBERT D. NOE, III
LURTON GOODPASTURE, JR.
ROBERT H. ROBERTS
LANCE D. EVANS
C. HAYES COONEY
W. COLLINS BONES

May 29, 1969

Honorable J. H. Warf, Chairman
State Board of Education
Cordell Hull Building
Nashville, Tennessee

Dear Mr. Chairman:

I have just received your letter of May 20, 1969, with which you sent me copies of a draft of rules and regulations relating to the tenure of college and university teachers under the State Board. Before considering them further, I should like for you to give me your views about the Board's right to revise the regulations at this time in view of the provision in Section 49-1421, Tennessee Code Annotated, that the Board will promulgate and publish its rules and regulations on or before September 1, 1961.

Yours very truly,

George F. McCanless,
Attorney General

GFMCC/sb