



# BOARD OF PROFESSIONAL RESPONSIBILITY

Of the

## SUPREME COURT OF TENNESSEE

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**RELEASE OF INFORMATION**  
**RE: JOHN C. ZIMMERMANN, BPR #9723**  
**CONTACT: CHARLES A. HIGH**  
**BOARD OF PROFESSIONAL RESPONSIBILITY**  
**615-361-7500**

May 29, 2002

### **NASHVILLE LAWYER CENSURED**

John C. Zimmermann, a Nashville lawyer, was publicly censured by the Board of Professional Responsibility on May 28, 2002. A public censure is a public rebuke and warning to the offender, but, censure does not affect the lawyer's license to practice law. The discipline was imposed by the Board and Zimmermann had a right to request a hearing. A hearing was not requested and the discipline is final.

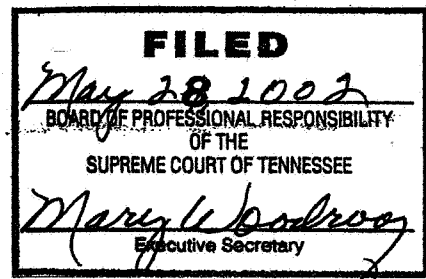
This matter arose from an action in the Court of Criminal Appeals. That court found that Zimmermann, while acting as an Assistant District Attorney, violated a defendant's constitutional rights by withholding material evidence that the defendant's attorney was entitled to receive. He was found by the Board of Professional Responsibility to have violated court rules and local customs of practice.

The Board found aggravating factors that the attorney was experienced in the practice of law and he had two prior disciplinary sanctions.

The disciplinary rules are mandatory for all attorneys. They state a minimum level of conduct and any violation reflects negatively on the standing and integrity of the legal profession.

CH:mw

Zimmermann 24039 rel.doc



**IN DISCIPLINARY DISTRICT V  
OF THE  
BOARD OF PROFESSIONAL RESPONSIBILITY  
OF THE  
SUPREME COURT OF TENNESSEE**

**In Re: John C. Zimmermann, Respondent,  
An Attorney Licensed to Practice  
Law in Tennessee, BPR Reg. No. 9723  
(Davidson County)**

**B.O.P.R. File No. 24039-5-CH**

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**PUBLIC CENSURE**

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A summary of complaint was mailed to Respondent, John C. Zimmermann, by disciplinary counsel on June 15, 2001. Respondent filed a written response to the complaint in a timely manner.

Pursuant to Tennessee Supreme Court Rule 9, Section 8.1, the Board of Professional Responsibility considered the matter at its regular meeting and determined that a public censure was appropriate discipline. Notice of the proposed censure was mailed to respondent and no objection was filed within the time set by the rule. Therefore, the public censure has become final.

The Court of Criminal Appeals in the case of *Garrett v. State* on March 22, 2001, held that "the State violated the defendant's constitutional rights by withholding exculpatory and material information, which undermines our confidence in the outcome of the trial."

The court reversed and remanded the case for retrial based solely on the quoted violation. Respondent is the attorney that failed to disclose the information.

Respondent gave testimony that he possessed and was aware of a report that he chose not to disclose to defense counsel.

Respondent's misconduct is aggravated by the fact that he is experienced in the practice of law. It is also aggravated by the fact that Respondent received prior discipline. Respondent was privately reprimanded in 1989 and was publicly censured in 1994.

Respondent violated DR1-102(A)(1) and (5), DR7-103(B), and DR7-106(A) and (C)(5).

John C. Zimmermann is censured for these violations.

Rule 9, Section 8.1 of the Tennessee Supreme Court Rules permits the Respondent twenty (20) days to request a formal hearing in this matter. Absent such a request, this file will be closed.

**FOR THE BOARD:**

*Charles E. Carpenter*

Charles E. Carpenter, Chairman

Date: May 23, 2002