

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

PHILIP RAY WORKMAN v. STATE OF TENNESSEE

No. M1999-01334-SC-DPE-PD
Filed December 21, 2000

ORDER

Philip Workman has requested that this Court direct the Davidson County Chancery Court to set a hearing at which Workman may consent to being represented by John Pierotti in clemency proceedings before the Board of Probation and Parole. Pierotti was a former Assistant District Attorney General and District Attorney General for the 30th Judicial District of Tennessee during the time Workman's case was pending in the courts of that district. The Board of Professional Responsibility issued Advisory Ethics Opinion No. 2000-A-731, concluding that Pierotti is not ethically prohibited from representing Workman before the Board. The Board of Professional Responsibility suggested that Workman should be fully informed of the issues relating to Pierotti's representation in a "hearing before a court" to include advice of his right to independent counsel and waiver of any objections that he may have.

We decline to give an advisory opinion on the ethical propriety of Pierotti's representation. If, however, he chooses to represent Workman, Pierotti should fully disclose his former service in the District Attorney's Office to Workman and should obtain a waiver of any objections and informed consent to his representation. This can be accomplished either by pursuing a hearing in Chancery Court as suggested by the Board of Professional Responsibility, or by giving full written disclosure and obtaining a written waiver of objections and consent to representation.

PER CURIAM