

investigation regarding this first matter the Board discovered that the Respondent was using his trust account to pay personal expenses, such as, taxes, utility bills, insurance premiums, and office overhead. While the original investigation was pending the Respondent received a second overdraft in his trust account and the Board filed a Supplemental Petition for Discipline on January 6, 2004.

In the second charge of discipline 2006-1585-9-SG filed on March 27, 2006 the Board charged the Respondent with neglecting the case of Ricky Aaron after accepting \$1,750.00 to represent him. The board charged the Respondent with failing to respond to inquiries from Mr. Aaron and failing to keep him informed of the progress of his case. The board also charged the Respondent with neglecting the case of Dwayne Knight who had retained the Respondent to represent him in a claim to recover funds which had been seized by the government and with failure to respond to Disciplinary Counsel's letters requesting information regarding this complaint.

In sum, the Board charged the Respondent with violating the following Tennessee Rules of Professional Conduct: 1.15(a), 1.3, 1.4, 1.5, 1.16, 8.1(b) and 8.4.

2. During the hearing, Disciplinary Counsel called as witnesses to the allegations of disciplinary violations one witness: Jim T. Allison. Robert L. Green, counsel for the Respondent, called as witnesses Robert A. Lanier and Wyvonna Jolet.

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3. During his testimony the Respondent admitted that he had paid personal expenses from his trust account and that he was aware that the Disciplinary Rules made it inappropriate for him to pay personal debts out of his trust account.
4. During his testimony the Respondent admitted that the two overdrafts to his trust account (check #543 payable to the IRS in the amount of \$23,705.00 and check #547 payable to a court reporter in the amount of \$40.00) were for personal debts and that this was not a proper use of his trust account.
5. During his testimony the Respondent admitted that there were other checks written by him out of his trust account on numerous occasions for personal debts and that he did not follow good accounting practices in maintaining his trust account. However, the Respondent testified that subsequent to the filing of the charges by the Board in this case, that he had delegated the duties of maintaining his trust account to his secretary Wyvonna Jolet and that she maintained appropriate ledgers for all trust account transactions and had computerized his records to ensure compliance with all applicable Rules of Professional Conduct
6. Wyvonna Jolet testified that she was a legal assistant to the Respondent and that she had personally organized and brought up to date the Respondent's trust account records, computerized the trust account and maintained separate ledgers for deposits and checks written. Ms. Jolet produced copies of the ledger and bank records of the Respondent's trust account records as proof of compliance (Ex. 24 - 27).

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7. The Board alleged that the Respondent violated the Tennessee Rules of Professional conduct in his representation of Ricky Aaron and Dewayne Knight.
8. The Board presented proof that Ricky Aaron's family retained the Respondent to represent Ricky Aaron in April 2004 and paid Respondent \$1,750.00 to file a federal civil rights claim for alleged unlawful conduct committed by a warden and other prison officials.
9. The Board presented proof that the Respondent failed to timely file a complaint for Ricky Aaron and failed to communicate with Ricky Aaron regarding the status and progress of his case.
10. The Board presented evidence that the Respondent failed to visit Ricky Aaron while he was incarcerated.
11. The Respondent testified that Ricky Aaron was a very knowledgeable client and that, in lieu of personally meeting with Ricky Aaron, he had extensive telephone conversations with him regarding his case.
12. The Respondent testified that Ricky Aaron filed his own complaint/petition for certiorari and that he was instructed by Ricky Aaron to not file the civil rights lawsuit.
13. The Respondent testified that Ricky Aaron requested that he file a Notice of Appearance in the pro se lawsuit that Ricky Aaron filed, but that he did not do so.
14. The Respondent testified that the Ricky Aaron lawsuit was eventually dismissed by the Court because a cost bond was not filed with the Court of Appeals.

15. The Respondent testified further that after he was contacted by Beverly Sharpe regarding this matter, he agreed to refund \$1000.00 to Ricky Aaron's family in the form of two (2) equal payments in July and August; but that his wife became sick and he lacked the resources to make the payments as he had agreed to do; but that as of the date of this hearing he had refunded the entire \$1000.00.
16. The Board further alleged that the Respondent, after being retained by Dewayne Knight to assist in a claim regarding funds that had been seized by the Government, failed to communicate with Mr. Knight, neglected the case and failed to keep him informed. Further the Board alleged that the Respondent failed to timely respond to Disciplinary Counsel's request for information regarding the Dewayne Knight matter by letters transmitted to the Respondent dated July 5, 2005; July 20, 2005; October 31, 2005; November 17, 2005; and December 1, 2005.
17. The Respondent denied that he neglected the case of Dewayne Knight or that he failed to keep him informed. The Respondent presented evidence that he properly represented Dewayne Knight and that Mr. Knight had retained him on a subsequent criminal matter.
18. The Respondent admitted that he did not timely respond to the Board regarding the Dewayne Knight matter but in blames his failure to timely respond, in part, on the illness of his wife.

OTHER RELEVANT FACTORS

19. Respondent is an attorney licensed to practice law in the State of Tennessee and has been so licensed since 1963.

20. Respondent is 65 years of age.
21. Respondent has previously received a public censure from the Board on March 16, 1998 for overdrawing his trust account, commingling personal and operating funds, paying personal expenses from his trust account and not paying a client's medical provider for more than five (5) years. The Tennessee Rules of Professional Conduct he was found to have previously violated are DR 1-102(A)(1), (4), (5), (6); DR 5-103(B); DR 6-103(A)(3); DR 7-102(A)(1)(5)(8); and DR 9-102(A).

FINDINGS OF FACT

22. The Panel finds that in case 2003-1394-9-SG the Respondent commingled personal funds with trust funds, paid personal expenses directly from his trust account, failed to maintain required trust accounting records and by his actions has violated Rule 1.15(a) of the Tennessee Rules of Professional Conduct.
23. The Panel finds that in case 2006-1585-9-SG (Ricky Aaron) the Respondent failed to communicate with his client and by his actions violated Rules 1.3, 1.4, 1.5, 1.15, and 8.4 of the Tennessee Rules of Professional Conduct.
24. The Panel finds that in case 2006-1585-9-SG (Dwayne Knight) the Board failed to prove that the Respondent violated Rules 1.3, 1.4, 1.5, 1.15, and 8.4 of the Tennessee Rules of Professional Conduct.
25. The Panel finds that in case 2006-1585-9-SG (Dwayne Knight) the Respondent failed to timely respond to the Board inquiries and by his actions violated Rules 8.1(b) and 8.4 of the Tennessee Rules of Professional Conduct.

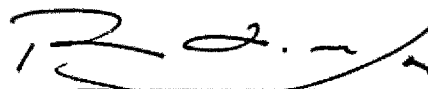
JUDGMENT

IT IS THEREFORE ORDERED by the Hearing panel as follows:

1. That the Respondent, Jim Allison be suspended from the practice of law for a period of sixty (60) days.
2. That the Respondent, Jim Allison's trust account be monitored by the Board for a period of one (1) year following the re-instatement of law his license and that during this one year period, the Respondent be required to submit to the Board every thirty (30) days bank statements and ledger sheets from his trust account.
3. That the Respondent pay all costs for these proceedings.

This 26th day of April 2007.

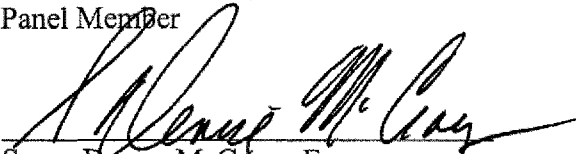
THE HEARING COMMITTEE PANEL:



Robert L. J. Spence, Esq.
Panel Chair



Susan M. Clark, Esq.
Panel Member



Susan Denise McCrary, Esq.
Panel Member