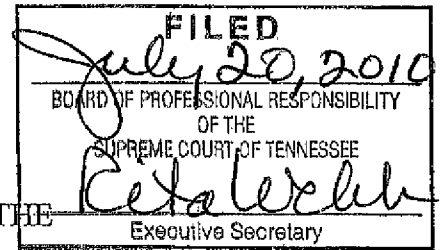


IN THE DISCIPLINARY DISTRICT OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY OF THE
SUPREME COURT OF TENNESSEE



In re: BARBARA SIMS ARTHUR, Respondent
BPR No. 4694, an attorney licensed
to practice law in Tennessee

Docket No. 2009-1837-0-KH

JUDGMENT OF THE HEARING COMMITTEE

This cause came to be heard by the Hearing Committee of the Board of Professional Responsibility of the Supreme Court of Tennessee on May 5, 2010, after which hearing, both parties filed Proposed Findings of Fact and Conclusions of Law. The cause was heard pursuant to Rule 9 of the Tennessee Supreme Court. This Hearing Committee, William C. Killian, Chair, Steven M. Jacoway and Myrlene Rose Marsa make the following Findings of Facts and submits its judgment in this cause as follows:

I. STATEMENT OF THE CASE

1. A Petition for Discipline was filed on August 19, 2009 charging the Respondent with violation of Disciplinary Rules in File No. 32042-0-NJ.
2. The Respondent was duly served with the petition and on September 10, 2009, Respondent answered the petition.
3. A Supplemental Petition for Discipline was filed on November 16, 2009, charging Respondent with violation of Disciplinary Rules in File No. 32037-0-KS.
4. The Respondent was duly served with the Supplemental Petition, and on December 3, 2009, Respondent answered the Supplemental Petition.
5. On April 1, 2010, Disciplinary Counsel filed a Motion to Permit a Second Supplemental Petition for Discipline as to Respondent, seeking to charge the Respondent with a violation of the Disciplinary Rules in File No. 32020-c-0-KS.

6. On April 19, 2010, the Respondent filed her Response to the Motion to Permit a Second Supplemental Petition for Discipline requesting that the motion be denied due to undue delay or alternatively, to cancel the trial date of May 5, 2010.

7. On April 21, 2010, the Hearing Panel considered the Motion to Permit Supplemental Petition for Discipline and the Respondent's reply to such motion and arguments of counsel, and found that it was appropriate to permit the Disciplinary Counsel to file a Second Supplemental Petition for Discipline. Furthermore, the Hearing Panel determined that the hearing scheduled in this matter for May 5, 2010 at 9:30 a. m. should not be continued.

8. On May 5, 2010, the hearing was conducted and proof was completed on this same date. The hearing was adjourned until each party submitted Proposed Findings of Fact and Conclusions of Law.

II. FINDINGS OF FACT

9. Respondent is licensed to practice law in Tennessee and Georgia. Respondent has been admitted to practice law in the state of Tennessee since 1976. Her current office address is 700 Chickamauga Avenue, Rossville, Georgia, 30741. Respondent has plans to move her office to Tennessee; however, she has not moved as of May 5, 2010.

10. Respondent's practice primarily consists of bankruptcy cases which she files in the United States Bankruptcy Court for the Eastern District of Tennessee. She has handled some domestic cases in Georgia. She is a solo practitioner.

11. On September 26, 2005, Respondent was administratively suspended in Tennessee for failure to pay registration fees to the Board of Professional Responsibility.

12. Prior to entry of the Order of suspending her from practicing law in the state of Tennessee, the BPR sent a notice via certified mail on June 24, 2005 notifying Respondent that

she had not paid registration fees and that she would be summarily suspended if she did not make an immediate payment.

13. Such notice sent by certified mail, return receipt was signed for by Linda Lou Gaines, an employee of the Respondent. Ms. Gaines delivered the notice to Respondent's husband, Donald Arthur, who was bookkeeper and financial manager for the Respondent.

14. Respondent failed to respond to such notice or to pay her registration fees then due, and as a result, was administratively suspended from the practice of law for non-payment of dues.

15. Respondent was unaware of her administrative suspension effective September 26, 2005 until March 26, 2009.

16. According to the membership of the State Bar of Georgia, Respondent had been ineligible to practice law for failure to pay dues on four (4) occasions. These occasions were September 1, 2000 to September 15, 2000; September 1, 2003 to October 27, 2003; September 1, 2005 to November 2, 2006; and September 1, 2007 to present.

17. Respondent was unaware of any of these Georgia suspensions and did not know how reinstatements were accomplished for the 2000, 2003 and 2005 suspensions.

18. During the period of the Tennessee suspension, Respondent filed over 800 bankruptcy cases in the United States Bankruptcy Court for the Eastern District of Tennessee ("Bankruptcy Court"). From July 2008 until March 26, 2009, Respondent filed over 180 bankruptcy cases.

19. On March 26, 2009, Respondent's client, Laura Biller, announced to the United States Bankruptcy Judge, John Cook, that Respondent was suspended from practicing law in both Tennessee and Georgia.

20. Respondent filed Complainant Latesha Hinton's first bankruptcy petition on January 10, 2008 while she was suspended from the practice of law in Tennessee. Respondent filed Ms. Hinton's second bankruptcy petition on October 15, 2008 while she was suspended from both Tennessee and Georgia.

21. The suspension news was confirmed later in the day by the United States Trustee, William R. Sonnenburg upon his contact with the Board of Professional Responsibility to ascertain the status of the Respondent's license in the state of Tennessee.

22. Although Respondent had other cases set for the afternoon docket on March 26, 2009, Judge Cook, Mr. Sonnenburg and Respondent agreed to continue those cases.

23. Respondent testified that she was unable to inform her staff not to file any new bankruptcy petitions until late in the day on March 26, 2009 or the morning of March 27, 2009.

24. Judge Cook, Mr. Sonnenburg, and Respondent met several days later to discuss how the Trustee's office was going to handle Respondent's ongoing cases for which she was receiving regular payments of attorney's fees through the bankruptcy plans.

25. Mr. Sonnenburg filed a Motion to Suspend Payments of Attorney's Fees on the basis that the fees were subject to being disallowed due to Respondent's suspension in both Tennessee and Georgia.

26. In order to determine what cases would be affected, Mr. Sonnenburg's office and the office of the Trustee had to review Respondent's entire filing history. The first motion filed by Mr. Sonnenburg involved seventy (70) bankruptcy cases and required notice to be sent to each party.

27. Judge Cook, Mr. Sonnenburg and Respondent met to discuss Mr. Sonnenburg's pending motions. According to Mr. Sonnenburg, the Court was primarily concerned with four (4) cases that had been filed by Respondent after March 26, 2009.

28. These four (4) cases filed by Respondent after March 26, 2009 consisted of (1) a new bankruptcy petition filed on behalf of Misty Lou Joyner on March 26, 2009 ("Joyner bankruptcy"); (2) a new bankruptcy petition filed on behalf of Wanda Olivia Hunter on March 27, 2009 ("Hunter bankruptcy"); (3) a new bankruptcy petition filed on behalf of Lester Chris Butler on March 27, 2009 ("Butler bankruptcy"); and (4) a new bankruptcy petition filed on behalf of Deanna Leigh Fitzgerald on March 31, 2009 ("Fitzgerald bankruptcy").

29. On May 5, 2009, the U. S. Trustee filed a Motion to Disallow Payment of Attorney's Fees for these four (4) bankruptcy petitions filed by the Respondent after March 26, 2009.

30. Although Respondent testified that her staff filed the Joyner, Hunter, and Butler petitions without her knowledge, she admitted that she knew the Fitzgerald petition was filed on March 31, 2009.

31. On May 29, 2009, an Agreed Order was entered regarding the U. S. Trustee's Motion to Disallow Payment of Attorney's Fees for these four (4) cases. As a result of such Agreed Order, Respondent's attorney's fees related to these four (4) bankruptcy filings were cut by \$7,450.

32. The U. S. Trustee, William Sonnenburg, testified that his actions resulting from these two (2) Motions to Disallow Payment of Attorney's Fees for the various bankruptcy petitions filed by Respondent, both during her primary suspension of and the petitions filed after

March 26, 2009 resulted in his office reviewing the Respondent's entire filing history during the applicable periods and preparing and sending notices to each affected party, as well as attending several meetings and court hearings related to such motions.

33. Respondent testified that the Joyner bankruptcy filed on March 26, 2009 was filed on March 27, 2009 were filed before the Respondent had an opportunity to direct her staff not to file any new cases until reinstatement to practice law in Tennessee had been accomplished.

34. Respondent testified that the Fitzgerald bankruptcy that was filed on March 31, 2009 was filed by a staff member who the Respondent had instructed not to file any new cases. Respondent did not have any explanation for the filing of the Fitzgerald bankruptcy by her staff member.

35. Respondent testified that the Hunter bankruptcy was filed under exigent circumstances as the client's car had been repossessed and the time to recover it under applicable bankruptcy law was running out. Respondent testified she has attempted to locate another attorney to represent the client's interest, but was unsuccessful.

36. Respondent could not offer any explanation as to why her office would have filed the Butler bankruptcy and the Fitzgerald bankruptcy after having been instructed not to file any new bankruptcy petitions.

37. Respondent testified that she knew the Fitzgerald bankruptcy was filed on March 31, 2009.

38. On March 31, 2009, Respondent contacted attorney Christopher Markel to discuss the repossession of Ms. Joyner's vehicle. Respondent had several conversations with Mr. Markel on behalf of her client.

39. Mr. Markel represented a car company, Chattanooga Motors, who had leased and/or sold a car to Joyner and had repossessed such car.

40. Subsequent to the conversation with the Respondent, Markel learned that the Respondent's license had been suspended. Respondent failed to inform Markel of her suspension during any of the conversations she had with Markel.

41. Upon learning of the suspension, Markel informed the Respondent that he could not speak to her concerning the bankruptcy matter absent her proof of good standing or that she was working under the supervision of another attorney.

42. As a result, Joyner retained another attorney to take over and handle her bankruptcy case. Likewise, Hunter retained the services of another attorney to assist and handle her bankruptcy action.

43. For the Joyner bankruptcy petition, the Respondent was paid \$500 for legal services and the replacement attorney was paid \$1,800 for legal services by the bankruptcy court of \$2,300.

44. For the Butler bankruptcy petition, the Respondent was paid \$500 for legal services and the replacement attorney was paid \$1,800 for legal services.

45. In the Hunter bankruptcy, the Respondent retained the amount of \$500 for her attorney's fees and the replacement attorney who took over the bankruptcy case was paid \$1,800 for a total attorney's fees approved by the bankruptcy court of \$2,300.

46. Upon learning of her suspension from practicing law in the state of Tennessee on March 26, 2009, the Respondent inquired as to the necessary steps to reinstate her law license in Tennessee. Upon determining the total amount of unpaid dues and penalties due and owing, the Respondent had her son hand deliver a check to Nashville for that same amount.

47. The Respondent also had to take a specific number of CLE courses in order to reactivate her license.

48. As a result of the payment of the unpaid dues and penalties, as well as obtaining the necessary CLE hours, the Respondent was reinstated to practice law in the state of Tennessee on April 7, 2009.

49. The Respondent's Georgia law license is currently not in good standing due to the non-payment of Georgia bar dues and was administratively suspended effective July 22, 2008.

50. Although the Respondent testified that she was unaware of the suspension of her Georgia law license until March 26, 2009, the Respondent's employee, Linda Lou Gaines, testified that while employed by the Respondent, she received correspondence from Georgia, informing of the suspension of the Respondent's license in 2008. Furthermore, Ms. Gaines testified that she remembered informing the Respondent of this correspondence and the suspension of the Respondent's license shortly after receiving such letter.

51. After March 26, 2009, the Respondent investigated the requirements for reinstatement of her Georgia law license and determined that such reinstatement would be extensive and time consuming. Since the Respondent had very little practice in the state of Georgia at that time, she decided not to obtain reinstatement of her Georgia law license.

52. The Respondent stated that upon determining that both her Tennessee and Georgia licenses had been suspended on March 26, 2009, the Respondent had taken off any designation that she was licensed to practice law in Georgia from her official letterhead and no longer had her telephone answered at her Georgia office utilizing the phrase "law office." Respondent did acknowledge, however, that as of April 7, 2009, she was still advertising in the Chattanooga Times Free Press as an Attorney At Law "serving TN & GA." Respondent stated

that such advertisement had been an oversight on her part and that she would immediately discontinue such advertisement.

53. Respondent testified that she had been contacted by an investigator for the Georgia Bar, Tom Porter, in April or May of 2009 who advised her that she could no longer maintain a law office in Georgia unless her Georgia license was reactivated.

54. Respondent testified that she had determined that the appropriate rule in Georgia prevented her from “establishing” a law office in Georgia and that her maintenance of a Georgia law office was not in violation of the applicable rule in spite of the admonition from Tom Porter.

55. Respondent stated that she was planning to open a law office in Tennessee, and was currently leasing office space with another licensed Tennessee attorney. The Respondent has not yet moved into the new office in Tennessee, and the other Tennessee attorney is currently paying rent and using the office.

56. Although Respondent testified that she has not been practicing law in Georgia courts, on February 17, 2009, the Respondent filed a Notice of Automatic Stay in the Georgia state court located in Walker County, Georgia. The Respondent did not sign the notice utilizing her Georgia bar number, but utilized her Tennessee BPR number. Respondent stated that she did not believe that such filing constituted the practice of law in the state of Georgia.

57. Three (3) practicing attorneys testified on behalf of the Respondent: Lorraine Raymond and Hyrum G. Hill, two (2) Tennessee attorneys, and Mary Jane Melton, a Georgia attorney. Both Raymond and Hill testified they had known the Respondent for over twenty (20) years and that she had a stellar reputation for honesty and good character. Melton testified that

she had known the Respondent for at least twelve (12) years and that she had an excellent reputation in Georgia.

58. The Respondent testified that from 2000 to 2004, she employed a bookkeeper who was competent and efficient; however, such bookkeeper later was diagnosed with metastatic cancer, a form of brain cancer, which resulted in her death.

59. Subsequently, the Respondent retained a new bookkeeper; however, it was determined in May 2005 that the bookkeeper had embezzled over \$10,000 from the Respondent.

60. After the discharge of the second bookkeeper, the Respondent turned her bookkeeping services over to her husband, Donald Arthur, who also fell ill and died several years later after a debilitating illness.

61. Respondent's prior disciplinary history consists of a public censure issued by the Board on October 4, 1986.

62. Respondent has previously obtained disciplinary action from the State Bar of Georgia for apparently the offense of practicing law in Georgia while her license had been administratively suspended. Respondent testified that the disciplinary action received from the State Bar of Georgia was a private admonition.

63. The Complainant Laura Lynn Biller retained the Respondent in September 2004 to file a bankruptcy petition for the Complainant and her husband.

64. The Biller bankruptcy remained pending until March 26, 2009 when it was dismissed due to Biller's failure to make payments required under the Chapter 13 Plan. Biller testified that she had been notified by the Respondent of the necessity to modify her then Chapter 13 Plan. Biller's bankruptcy plan had previously been modified on two (2) separate occasions.

65. Respondent and Ms. Biller met in the summer of 2008 to discuss changes to Ms. Biller's plan. Ms. Biller was also considering transferring her Chapter 13 to a Chapter 7 plan. Respondent advised her that a Chapter 7 plan would not be beneficial. Ms. Biller agreed to modify her existing plan.

66. In or around September 2008, Respondent's secretary telephoned Ms. Biller seeking authorization to sign Ms. Biller's name to a Motion to Modify her Chapter 13 bankruptcy plan.

67. The Motion to Modify the Chapter 13 bankruptcy plan was set for an October 2008 hearing. As there was no opposition to the motion, the bankruptcy plan was modified as requested.

68. Upon learning of the approved modification at the hearing, Biller became concerned that the language in the order modifying the plan implied that her bankruptcy payments would continue for an additional sixty (60) months.

69. After the hearing, Biller attempted to speak to Respondent; however, the Respondent had other motions scheduled before the bankruptcy court on that same date. The Respondent informed Biller that she would be able to talk to Biller after the conclusion of her other motions; however, Biller was unable to wait to talk with the Respondent.

70. During the pendency of her Chapter 13 bankruptcy, Biller became concerned that certain tax refunds that she had obtained had not been properly paid into her bankruptcy plan by the Internal Revenue Service. Biller attempted to contact the Respondent unsuccessfully; however, the Respondent's secretary gave Biller the telephone number of the Internal Revenue Service and instructed her to contact the IRS herself. Upon contacting the IRS, Biller was able to resolve that issue.

71. Biller testified that the Respondent had failed to assist her as to various issues and questions regarding her Chapter 13 bankruptcy plan, including the misapplication of the tax refunds, inconsistencies in the bankruptcy plan and/or the modification of her bankruptcy plan.

72. Respondent testified that Biller never was happy about having to file a bankruptcy action. Respondent stated that she did not fail to communicate properly with Biller, and in her opinion, went above and beyond any duties she owed to Biller.

73. Respondent testified that she did not bill Biller for additional meetings and conferences that she had with her to address various issues for Biller.

74. Biller sought new legal counsel in December 2008, but was unable to pay for new representation.

75. At the hearing scheduled by the Bankruptcy Court on March 26, 2009 to determine whether or not Biller's bankruptcy petition should be dismissed for her failure to make payments under the bankruptcy plan, Biller informed the Court she had learned in October 2008 of the Respondent's suspensions in both Georgia and Tennessee.

76. Biller testified that she was upset that the Respondent had failed to meet with her prior to the hearing regarding the amendment of her Chapter 13 petition in October 2008 to explain the consequences of such motion and answer questions that Biller had.

III. CONCLUSIONS OF LAW

The Board contends that the Respondent has violated the Rules of Professional Conduct ("RPC's): 1.3, Diligence; 1.4, Communication; 5.5, Unauthorized Practice of Law; and 8.4(a), (c) and (d), Misconduct. The Board contends that the Respondent, through her suspension from the practice of law from September 25, 2005 through April 6, 2009, has failed to accept responsibility for such suspension and has attempted to shift the responsibility for her failure to pay registration

fees to her staff. The Board further contends that the Respondent's testimony reveals that she has maintained a chaotic law practice with little or no supervision of administrative tasks as further evidenced by her being unaware of her 2005 suspension in Tennessee, any of the Georgia suspensions, the lack of required Tennessee CLE credits during the applicable years, and the general lack of attention to the operation of her support staff.

The Board points to the Respondent's continued maintenance of an office in the state of Georgia even after the Respondent was informed by a Georgia investigator for the State Bar of Georgia that she could no longer maintain an office in the state of Georgia. The Board points to the Respondent's continued advertising as recent as April 7, 2010 in the Chattanooga Times Free press as an attorney at law "servicing TN and GA", as well as the filing of a Notice of Automatic Stay in the State Court in Walker County, Georgia on February 17, 2009, utilizing her Tennessee BPR number.

The Board points to Tennessee Supreme Court Rule 8, RPC 5.5, which states that "a lawyer shall not practice law in a jurisdiction where doing so violates the regulation of the legal profession in that jurisdiction", nor may she assist others in doing so. The Board argues that the Respondent's actions in both Tennessee and Georgia demonstrate a complete ignorance of the rules governing the practice of law in both states.

The Board contends that the testimony of the Respondent's employee, Linda Lou Gaines, reveals that the Respondent was aware in July 2008 of her suspension in the State of Georgia. Ms. Gaines testified that she received the correspondence from the State Bar of Georgia stating that the Respondent's license had been suspended effective July, 2008 and she had informed the Respondent of such correspondence. The Respondent argues that she was not aware of any of the administrative suspensions of her Georgia law license from September 1, 2000 up to September 1,

2007, nor was she aware of the circumstances in which her Georgia law license had been reinstated. Although the Respondent ultimately accepted responsibility for the suspension of her licenses, the Respondent pointed to the unfortunate chain of events regarding her initial first bookkeeper becoming sick and dying from brain cancer, her second bookkeeper embezzling approximately \$10,000.00 from her law practice and the third bookkeeper, her husband, untimely and unfortunate death.

As to the Biller case, the Board contends that the Respondent failed to effectively communicate and explain to Biller the ramifications of a modification of Biller's bankruptcy plan. The Board further states that after the hearing until October 2008, that the Respondent failed to timely and properly respond and follow up to Ms. Biller's concerns and questions.

In her Response, the Respondent admits that there is no dispute that the Respondent engaged in the practice of law while her license was suspended for a substantial period of time. The Respondent contends, however, that this was unknown to her, that the Respondent's actions were merely negligence and that not being aware of her suspension and furthermore that her lack of awareness, if any, caused no actual or potential injury to a client, the public, or the legal system.

The Respondent argues that the mental state of the Respondent is significant in determining whether or not a violation of the ethical standards occurred. The Respondent contends that if she was guilty of any negligence, that such negligence was a result of the Respondent's failure to be aware that circumstances existed or that a result would follow, which failure was a deviation from the standard of care that a reasonable lawyer would exercise in a similar situation. The Respondent asserts that the Board did not introduce any evidence of applicable standard of care that it claimed the Respondent violated. The Respondent asserted that the proof did not show that the Respondent had any intent or knowledge as to her actions and/or inactions.

The Respondent admits that the filing of the Hunter bankruptcy may warrant a sanction since it was clearly established that effective March 27, 2009, the Respondent was aware that she had been administratively suspended from the practice of law in both Georgia and Tennessee. The Respondent admits that the filing of the Hunter bankruptcy was technically a knowing violation, however, Respondent asserts that since the Hunter bankruptcy was filed only as a last result after the Respondent was unable to find another attorney to file the bankruptcy petition for Ms. Hunter, the Respondent's actions were that of a last result and not to further her own interest.

The Respondent asserts that the proof in the hearing did not reveal any selfish, dishonest, or unworthy motives and that the Respondent took prompt and effective actions to secure reinstatement of her license and to prevent ongoing harm to the clients. The Respondent points to the reduction of \$7,450.00 in attorney's fees which the Respondent incurred as a result of the filing by the U. S. Trustee to reduce or eliminate attorney's fees incurred or obtained by the Respondent while administratively suspended in the State of Tennessee.

The Board argues that the Respondent's contention that she was unaware of her suspended license in both Georgia and Tennessee was not credible. The Board further argues that not only is the unauthorized practice of law a criminal offense, but that it strikes at the heart of the legal profession. The Board argues that the requirements that every lawyer properly register each year, pay annual registration fees, provide IOLTA information, and to participate in continuing legal education are not perfunctory exercises but requirements to enable the Tennessee Supreme Court to proclaim that the attorneys licensed by the Court are fit to practice law through the annual renewal of their license to practice law.

The Board argues that the Respondent should not only be sanctioned due to her disciplinary misconduct, but also because she never actually served any suspensions under which she was subject to in the states of Tennessee and Georgia.

The Hearing Committee finds and concludes that the Respondent violated the Rules of Professional Conduct DR 1-102 (A)(1)(5)(6) providing as follows:

A. A lawyer shall not:

(1) Violate a Disciplinary Rule

(5) Engage in conduct that is prejudicial to the administration of justice...

(6) Engage in any other conduct that adversely reflects on his fitness to practice law.

The Hearing Committee finds that the Respondent was guilty of extensive negligence in allowing her law license to be administratively suspended both in the states of Tennessee and Georgia for periods in excess of three years without taking any corrective action. The Hearing Committee finds that the Respondent was guilty of extensive negligence in filing over 800 bankruptcy cases in the Bankruptcy Court during the Tennessee Suspension.

Although the Respondent was apparently publicly censored by the State Bar of Georgia for similar actions, the Respondent continued efforts to maintain an office in the state of Georgia, holding herself out in public advertisements as a licensed Georgia attorney, as well as violating Tenn. Sup. Ct., R. 8, RPC 5.5.

The Hearing Committee's finds include that Respondent further violated Tenn. Sup. Ct., Paragraph 8, RPC 5.5 after being informed by the United States Bankruptcy Judge, John Cook, that her license had been suspended, and by filing subsequent bankruptcy petitions, and at least one that she readily acknowledges was filed in clear violation of such suspension. Additionally, the Respondent failed to communicate to Chris Markel, another Tennessee attorney that her license was

administratively suspended and attempted to continue to practice law by attempting obtain relief for a bankruptcy client affected by Mr. Markel's client.

At best, the Respondent was guilty of grossly failing to supervise, train, and administer her staff, which resulted in the filing of four (4) bankruptcy petitions after the Respondent became aware of the administrative suspension of her license in the State of Tennessee on March 26, 2009. At worst, the Respondent knowingly participated in the unauthorized practice of law by having four petitions filed after obtaining such knowledge.

As to the alleged violation by the complaint of Biller, the Hearing Committee concludes that the Board has not shown that the Respondent violated the rules of Professional Conduct, 1.3, 1.4, and 8.4 (a)(c)(d). The Hearing Committee does, however, find that the Respondent did violate Rule 5.5 of the Rules of Professional Conduct in that she did engage in the unauthorized practice of law when her Tennessee law license was suspended.

The Biller complaint is an example of when an attorney and client develop a misunderstanding or disagreement regarding the handling of a legal matter. Although Biller testified that she did not believe that the Respondent adequately responded to her inquiries or explained the ramifications of certain developments in her bankruptcy plan, it was not shown that Biller actually suffered any detrimental harm in her bankruptcy plan. Biller testified that she was aware of the information obtained from the Respondent's offices. She was able to clear up the issue with the IRS. The Complaint further testified that she understood by discontinuing payment of the mortgages associated with her house, that she would subsequently have her bankruptcy plan dismissed.

The Respondent testified that Biller had her bankruptcy plan modified on two separate occasions previously and that Biller was fully aware of the procedure followed in the modification of the bankruptcy plan.

The Hearing Committee is, however, concerned about the resulting damage to the legal profession by virtue of the Respondent having to be informed by a client that her licenses in two states had been suspended for almost four (4) years. The Hearing Committee's failure to properly discipline an attorney for such actions would result in an overall lack of confidence by the public with regards to the administration and profession of law in this state.

As to the Complaint filed by Attorney Chris Markel, the Hearing Committee does find that the the Respondent was guilty for communicating as an attorney with Markel regarding a pending bankruptcy case at such time as the Respondent was suspended from practicing law in the State of Tennessee. The Respondent intentionally and without any justification failed to inform Markel of her suspended status and therefore, again, participated in the unauthorized practice of law.

The Hearing Committee finds that the findings previously stated in this opinion as to the Biller Petition addressed the allegations contained or alleged by the Complainant Hinton as to the violation of Tenn. Sup. Ct. R. 8, RPC 5.5.

IV. FACT FINDING OF AGGRAVATING AND MITIGATING CIRCUMSTANCES

1. The Hearing Panel finds that Respondent's substantial experience in the practice of law for over 33 years is an aggravating circumstance.
2. The Hearing Panel finds that the Respondent's failure to immediately suspend her practice of law in the State of Tennessee upon learning on March 26, 2009 of her administrative suspension to practice law in the State of Tennessee is an aggravating circumstance.

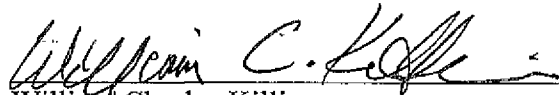
3. The Hearing Panel finds that the Respondent's continued advertising herself as an attorney at law serving Georgia is an aggravating circumstance.

4. The Hearing Panel finds that the Respondent's lack of knowledge of her suspension of her Tennessee law license for over three and one-half (3 ½) is an aggravating circumstance.

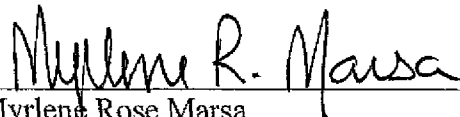
Whereas the Panel finds that Ms. Arthur's failure to pay her licensing fees for over four (4) years was grossly negligent and further finds that her failure to immediately cease and desist from the practice of law upon learning of her suspension. Therefore, it is hereby Ordered

1. Ms. Arthur's license shall be suspended for a period of one year; however, only 6 months shall be active suspension. The remaining time shall be suspended for a period of probation of three (3) years.
2. At all times during the suspension of her license and during the period of probation, Ms. Arthur shall remain in compliance with the rules governing practicing attorneys in both Tennessee and Georgia. If Ms. Arthur is not maintaining her license in Georgia, she must still ensure that she is not appearing to practice in Georgia by maintaining or establishing a office or indicating in advertisements or otherwise that she is licensed in Georgia.
3. Ms. Arthur must stay current with all licensing fees and CLE requirements.
4. Ms. Arthur must seek a board approved supervising attorney to monitor her practice to ensure that safeguards are in place to ensure future compliance with licensing requirements.
5. During the period of probation if Ms. Arthur fails to comply with any rules governing the practice of law in Tennessee and/or Georgia, the balance of the year suspension will be imposed.
6. A copy of this Order shall be provided to the Board of Georgia Law Examiners for their records.

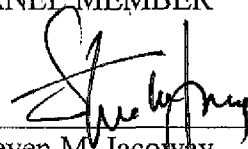
This 20th day of July 2010



William Charles Killian
PANEL CHAIR



Myrlene Rose Marsa
PANEL MEMBER



Steven M. Jacoway
PANEL MEMBER