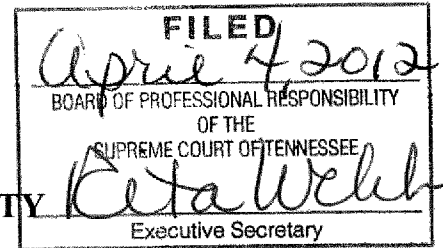


**IN DISCIPLINARY DISTRICT VI
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**



**IN RE: DONRUA BARNES-HULSEY,
BPR #019437, Respondent
An Attorney Licensed and
Admitted to the Practice of
Law in Tennessee
(Montgomery County)**

DOCKET NO. 2011-2059-6-SG

FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE HEARING PANEL

This matter came to be heard on March 20, 2012, before this Hearing Panel of the Board of Professional Responsibility of the Supreme Court of Tennessee on a Petition for Discipline filed by the Board of Professional Responsibility (the Board). This Panel entered an Order of Default in this cause on November 15, 2011. Since the allegations have been deemed admitted pursuant to the Order of Default, the Hearing Panel heard argument from Disciplinary Counsel regarding the appropriate sanction. The Board Provided Ms. Barnes-Hulsey with Notice of the hearing but she did not appear for the March 20, 2012 hearing.

FINDINGS OF FACT

File No. 33149c-6-KB – Complaint of Mahdi Cezar

1. Pursuant to Rule 9, Rules of the Supreme Court, the Respondent was notified of the complaint on May 21, 2010 and asked to respond within ten (10) days. The Respondent failed to respond to this May 21, 2010 letter. On June 7, 2010, the Board sent the Respondent by regular and certified mail a Notice of Petition for Temporary Suspension and asked for the

Respondent's response. The Respondent's facsimile dated June 24, 2010 was received by the Board.

2. On approximately July 16, 2007, the Circuit Court for Montgomery County in *Mahdi v. Mahdi* entered an Order that the Complainant/Defendant should pay Plaintiff \$3,000 per month as child support and alimony pending further orders of the Court.

3. On approximately August 16, 2007, the Complainant retained the Respondent to represent him.

4. On January 8, 2007, the Respondent filed a Petition for Annulment in *Cezar v. Malone* in the Chancery Court of Montgomery County.

5. On December 19, 2007, Mary Alice Cezar filed in the Circuit Court a Motion to Intervene in *Mahdi v. Mahdi* asserting that she was married to the Complainant at the time of his alleged marriage to Crystal Mahdi.

6. On March 6, 2009, an Agreed Order consolidating the Circuit Court divorce into the Chancery Court annulment was filed in the Chancery Court for Montgomery County, Tennessee.

7. On March 10, 2009, the Chancery Court for Montgomery County in *Cezar v. Malone* entered an Order granting Respondent's Motion for Summary Judgment and finding that the Complainant's marriage should be annulled and declared void *ab initio*.

8. After the Complainant was granted an annulment, the Respondent abandoned the Complainant's case with unresolved issues concerning property and child support.

9. The Respondent abandoned her law office by closing the office and allowing the phone to be disconnected.

File No. 33374-6-KB – Informant – Robert Dunlap, Esq.

10. Pursuant to Rule 9, Rules of the Supreme Court, the Respondent was notified of the complaint at 1289 Northfield Drive, Suite 1, Box 112, Clarksville, Tennessee 37040 on August 4, 2010 and asked to respond within ten (10) days. Additionally, the Respondent was notified of the complaint on August 12, 2010 at 805 Keystone Drive, Clarksville, Tennessee 37042 and asked to respond within ten (10) days. The Respondent failed to respond to these August 4, 2010 and August 12, 2010 letters. On August 27, 2010, the Board sent to the Respondent a Notice of Petition for Temporary Suspension and asked for the Respondent's response within ten (10) days. The Respondent's response dated October 13, 2010 was received by the Board.

11. By letters dated October 21, 2010, November 8, 2010, November 23, 2010, December 8, 2010, January 14, 2011, and February 14, 2011, Disciplinary Counsel for the Board asked the Respondent for additional information regarding this complaint. The Respondent failed to respond to the Board.

12. Due to the Respondent's failure to respond to the Board, the Board petitioned the Supreme Court for the Respondent's temporary suspension and on March 22, 2011, the Supreme Court entered an Order temporarily suspending the Respondent.

13. Teresa Allen retained the Respondent on approximately May 9, 2008 to represent her in her divorce.

14. The Respondent filed Ms. Allen's complaint for divorce in *Allen v. Allen* in the Chancery Court for Henry County on May 9, 2008.

15. Ms. Allen's case was set for mediation on July 17, 2009 and notice sent to the Respondent.

16. Neither the Respondent nor her client, Ms. Allen, appeared for mediation on July 17, 2009.

17. On July 17, 2009, opposing counsel, Brown Hawley, filed a Motion with the trial court to assess attorney's fees and costs for the failed mediation based on Respondent's and her client's failure to appear at the mediation.

18. Opposing counsel's motion was set to be heard on August 3, 2009 and notice was sent to the Respondent.

19. Neither the Respondent nor her client appeared at the hearing on Defendant's Motion on August 3, 2009.

20. By Order filed August 5, 2009, the trial court ordered the Respondent to show cause why she should not be held in contempt of court for failure to appear for the hearing on August 3, 2009.

21. The Respondent filed a Response on August 17, 2009 asserting that she had medical problems, thereby causing her to close her law office.

22. By order dated November 19, 2009, the trial court scheduled the case for trial on December 14, 2009 and the order was mailed to both the Respondent and Respondent's client at their last known mailing addresses.

23. By Order dated December 3, 2009, the trial court continued the December 14, 2009 court date due to defendant's scheduling conflict with a witness and the fact that neither the Respondent nor her client responded to the Court's last notice. This December 3, 2009 Order was mailed to the Respondent and Respondent's client at their last known mailing addresses.

24. Neither the Respondent nor her client appeared at the January 4, 2010 trial date.

25. The trial court heard the divorce *ex parte* on January 4, 2010 and on January 6, 2010, entered a Judgment finding that proper notice of the proceedings was given to the

Respondent, along with added notice to Respondent's client, and neither the Respondent nor her client appeared and therefore the matter was heard *ex parte*.

26. In the trial court's January 6, 2010 Judgment, the trial court granted the defendant an absolute divorce and awarded to the defendant attorney fees in the amount of \$9,251.76.

27. Ms. Allen retained new counsel, Beth Ballew, who filed a Motion to Set Aside Judgment on February 3, 2010.

28. Ms. Allen's Motion to Set Aside Judgment was based in part upon the assertion the Respondent had not provided Ms. Allen with notice of the proceedings in her case.

29. On February 16, 2010, the trial court held a hearing and entered an Order on March 1, 2010 directing the Respondent to appear in court on March 16, 2010 and "show cause why this Court should not find her in contempt of court and not assess sanctions against her for failing to appear and/or notifying the Plaintiff of the final hearing in this matter."

30. The Respondent failed to comply with the Court's March 1, 2010 Order and did not appear for this March 16, 2010 hearing.

31. By Order dated March 22, 2010, the trial court denied the Motion to Set Aside Judgment and noted in the Order the Respondent had failed to appear for the March 16, 2010 hearing.

32. Ms. Allen retained new counsel, Richard Dunlap, who filed a timely appeal to the Court of Appeals on approximately April 19, 2010.

33. By Judgment filed February 12, 2011, the Court of Appeals affirmed the trial court's denial of the Motion to Set Aside Judgment.

CONCLUSIONS OF LAW

1. Ms. Barnes-Hulsey violated Rules of Professional Conduct 1.3; 1.4; 3.2; 1.16 and 8.4 in her representation of Mahdi Cezar.
2. Ms. Barnes-Hulsey violated Rules of Professional Conduct 1.3; 1.4; 3.2; 1.16; 3.4(c); 8.1 and 8.4 regarding her representation of Teresa Allen.
3. ABA Standard 4.41 is applicable to the facts presented by this case.

AGGRAVATING FACTORS

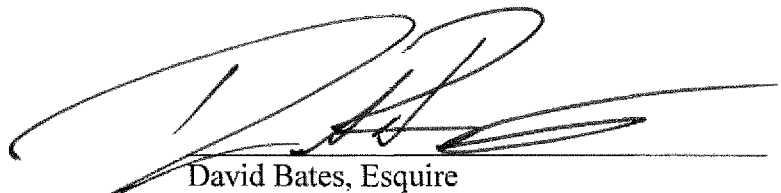
Pursuant to ABA Standard 9.22, this Panel finds the following aggravating factors:

1. Ms. Barnes-Hulsey's bad faith obstruction of the disciplinary process by failing to respond to requests for information from the Board.
2. Ms. Barnes-Hulsey's substantial experience in the practice of law having been licensed since 1998.

JUDGMENT

Based upon the findings of fact, conclusions of law and aggravating factors, the Hearing Panel concludes that Ms. Barnes-Hulsey's violations of the Rules of Professional Conduct justify disbarment.

FOR THE PANEL:


David Bates, Esquire
Hearing Panel Chair