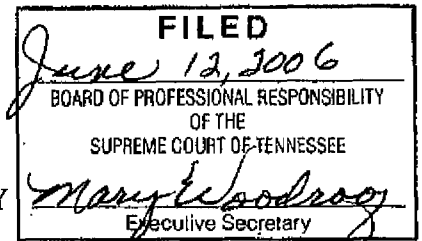


**IN DISCIPLINARY DISTRICT VI
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**



**IN RE: Matthew Q. Bastian, Respondent B.O.P.R. DOCKET NO.: 2005-1557-5-CH
A Lawyer Licensed to Practice
Law in the State of Tennessee
(BPR #12562)**

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 11, 2006. This cause was heard pursuant to Rule 9, Rules of the Tennessee Supreme Court. This Hearing Committee, Jill B. Nolan, Chair, Jane M. Jennings, and William R. Underhill, makes the following findings of fact and submits its judgment in this cause as follows:

I. STATEMENT OF THE CASE

1. A Petition for Discipline was filed on December 9, 2005, charging the Respondent with violation of disciplinary rules.
2. The Respondent was served with the Petition, and failed to answer the Petition within twenty (20) days as required pursuant to Section 8.2 of Supreme Court Rule 9.
3. A Motion for Default Judgment was filed February 1, 2006, for the charges in the

Petition for Discipline to be deemed admitted. A default judgement was entered against the Respondent by this Hearing Panel.

4. A Notice of Hearing was filed on April 10, 2006, and the matter was heard May 11, 2006, and the Hearing Panel makes the following findings of fact:

II. FINDINGS OF FACT

1. The Respondent was engaged by Timothy E. Hunter to represent him in litigation in the Court of Appeals in Tennessee in the matter of *Tammy L. Hunter vs. Timothy E. Hunter* and was paid \$1,500.00 for his services.
2. On May 12, 2004, the Court of Appeals ordered the appellant to file a corrected statement of the evidence in that no supplemental record had been filed. A copy of the February 11, 2005, Order was mailed to and received by the Respondent.
3. Respondent failed to return Mr. Hunter's phone calls, and on at least one occasion on February 15, 2005, Mr. Hunter went to Respondent's law office for a scheduled appointment and Respondent was not in the office for the appointment. Respondent's employee showed Mr. Hunter the February 11, 2005 Order and provided him a copy.

4. When he realized that the Order only allowed ten (10) days to show cause that the appeal not be dismissed, Mr. Hunter attempted to respond to the Order himself, and on February 15, 2005, wrote the Respondent a personal note and put it on the Order demanding prompt action.

5. On February 24, 2005, Mr. Hunter wrote a letter to Respondent outlining the Respondent's course of representation.

6. On February 28, 2005, having received no response from Respondent, Mr. Hunter sent Respondent a letter terminating his services. Respondent never filed the corrected statement of evidence, nor did he return Mr. Hunter's money. Mr. Hunter engaged other legal counsel to bring his matter to a conclusion.

7. Following Mr. Hunter's termination of Respondent, Mr. Hunter filed a pro se lawsuit against the Respondent. The Respondent had promised to pay Mr. Hunter specified amounts of money at various times and failed to make the promised payments. A judgement was entered against the Respondent by the Maury County General Sessions Court in the amount of \$7,000.00.

III. CONCLUSIONS OF LAW

The Board charged that the Respondent has violated the following Rules of Professional Conduct, which violations were admitted and entered in the Default Judgment:

1. RPC 1.1 by failing to prepare as reasonably required for competent representation.
2. RPC 1.2 by failing to carry out the representation in accordance with the legitimate objectives as directed by the client.
3. RPC 1.3 by failing to act with diligence and promptness in the representation of his client.
4. RPC 1.4(a) by failing to keep his client reasonably informed and by failing to respond with reasonable requests for information by the client within a reasonable time.
5. RPC 1.4(b) by failing to explain the litigation to the client as reasonably necessary to allow the client to make informed decisions about the matter.
6. RPC 1.15(b) by failing to promptly deliver to the client unearned fees requested by the client.

7. RPC 1.16(a) by failing to withdraw from representation of the client when the respondent's mental or physical condition materially impaired respondent's ability to represent the client.
8. RPC 1.16(d) by failing upon withdrawal to refund promptly to the client unearned fees and advances for expenses not incurred.
9. RPC 3.2 by failing to make reasonable efforts to expedite litigation.
10. RPC 8.4(a) and (d) by violating the Rules of Professional Conduct set forth herein and by conduct prejudicial to the administration of justice.

IV. FACT FINDING OF AGGRAVATING CIRCUMSTANCES

1. The Hearing Committee finds that the Respondent's misconduct is aggravated by his prior public discipline for misconduct similar to the conduct in this matter.
2. The Respondent's lack of remorse and candor in the hearing is an aggravating circumstance.

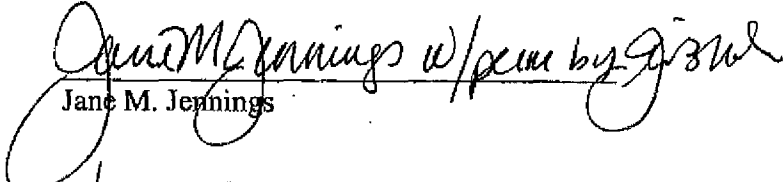
V. JUDGMENT

It is, therefore, ORDERED by the Hearing Committee that the Respondent, Matthew Q. Bastian, be SUSPENDED from the practice of law for six (6) months and will remain on probation for an additional five (5) months and twenty-nine (29) days effective as of the date of entry of this Judgment. While on probation, the Respondent must provide proof of malpractice insurance. The Hearing Committee does not require restitution of the Respondent as Mr. Hunter can pursue legal remedies to collect his judgment against Mr. Bastian.

This 9th day of June, 2006.


Jill B. Nolan
Chair

This 9th day of June, 2006.


Jane M. Jennings

This 9th day of June, 2006.


William R. Underhill