


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

FILED

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BOARD OF PROFESSIONAL
RESPONSIBILITY

 EXEC. SEC.

**In Re: JEWEL GUY BOOZER
BPR #21848, Respondent
An Attorney Licensed to
Practice Law in Tennessee
(Tipton County)**

Docket No. 2010-1990-8-RS

JUDGMENT OF THE HEARING PANEL

This matter came before a duly appointed Hearing Panel on August 23, 2011. Disciplinary Counsel for the Board and the Hearing Panel were present at the hearing. The Respondent, Jewel Guy Boozer, did not appear. Based upon the pleadings, the argument of counsel and the file as a whole, the Hearing Panel makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. A Petition for Discipline, BOPR Docket No. 2010-1990-8-RS, was filed on November 17, 2010.
2. The Petition was sent via certified mail and regular mail to the Respondent's home and office address and both were returned to the Board showing the Respondent had "moved left no address" and "unable to forward." Disciplinary Counsel was then notified that Mr. Boozer had relocated to 10850 Highway 247, Tuscumbia, Alabama 35674.
3. The Petition for Discipline was re-sent via certified and regular mail to the Alabama address and was served upon Respondent on January 4, 2011.
4. A Supplemental Petition for Discipline, BOPR Docket No. 2010-1990-8-RS, was

filed on April 7, 2011.

5. The Supplemental Petition was sent via certified mail and regular mail to the Respondent's home address as registered with the Board and was returned to the Board showing the Respondent had "moved left no address" and "unable to forward." The Supplemental Petition was also sent via certified mail and regular mail to the Respondent's Post Office Box and the Supplemental Petition was returned showing "Box Closed."

6. The Supplemental Petition was also sent via certified mail and regular mail to Respondent at an address that had previously been provided to Disciplinary Counsel, 10850 Highway 247, Tuscumbia, Alabama 35674.

7. The return receipt sent to the Alabama address was returned to the Board showing service on April 11, 2011.

8. Section 8.2 of Rule 9 provides that Respondent shall serve his answer upon Disciplinary Counsel and file the original with the Board within twenty days after service of the Petition, unless such time is extended by the Chair. In the event the Respondent fails to answer, the charges shall be deemed admitted; provided, however, that a Respondent who fails to answer within the time provided may obtain permission of the Chair (of the Board) to file an answer if such failure to file an answer was attributable to mistake, inadvertence, surprise or excusable neglect.

9. No answer to the Petition for Discipline or the Supplemental Petition for Discipline has been filed with the Executive Secretary of the Board of Professional Responsibility and no answer has been served on Disciplinary Counsel. The time permitted by Section 8.2 of Rule 9 for the filing of an answer or a response to the Petition and the Supplemental Petition has expired, the time for filing an answer or response has not been

extended by the Chair of the Board of Professional Responsibility, nor has a request or motion for an extension of time been made or filed by Respondent to answer or respond to the Petition for Discipline or the Supplemental Petition for Discipline.

10. On June 6, 2011 the Hearing Panel entered an Order granting the Board a default judgment and deeming the facts in the Petition for Discipline to be admitted.

11. A hearing was held on August 23, 2011 at 9:00 a.m. before this Hearing Panel.

12. Present at the hearing were the Hearing Panel and Disciplinary Counsel for the Board, Randall J. Spivey

13. The Respondent did not appear.

14. The Petition for Discipline contains nine (9) complaints of misconduct.

15. The Supplemental Petition for Discipline contains one (1) complaint of misconduct.

16. The allegations in each of these complaints have been deemed admitted and are fully incorporated as this Hearing Panel's Findings of Fact.

CONCLUSIONS OF LAW

1. The Respondent failed to communicate with the Board regarding the complaints in the Petitions, the Respondent abandoned his practice, the Respondent took client fees without providing any legal services, and the Respondent failed to communicate with his clients whose complaints are set forth in the Petitions.

2. The Respondent's actions and inactions detailed in the Petition for Discipline and Supplemental Petition for Discipline violated Rules of Professional Conduct 1.1 (Competence), 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.15 (Safekeeping of Property), 1.16 (Declining and Terminating Representation), 3.2 (Expediting Litigation), 8.1 (Bar Admission

and Disciplinary Matters), and 8.4 (Misconduct).

3. The Respondent received a total of \$9,244.50 from clients for whom he provided no service to or provided very little service and then abandoned.

4. The Supreme Court has adopted for use by its Hearing Panels the ABA Center for Professional Responsibility Standards for Imposing Lawyer Sanctions (ABA Standards).

5. The following ABA Standards are applicable to this case.

6. Section 4.41 of the ABA Standards state:

Disbarment is generally appropriate when:

(a) a lawyer abandons the practice and causes serious or potentially serious injury to a client; or

(b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or

(c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

7. Section 7.1 of the ABA Standards state:

Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed to the profession with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system.

8. Section 7.2 of the ABA Standards states:

Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed to the profession, and causes injury or potential injury to a client, the public or the legal system.


JUDGMENT

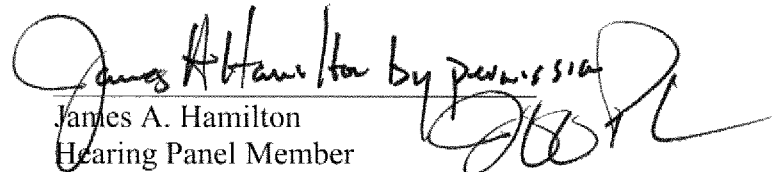
Accordingly, the Hearing Panel finds that the Respondent be disbarred. The Hearing Panel also finds that any future reinstatement to the practice of law be conditioned on the Respondent being evaluated by the Tennessee Lawyer's Assistance Program and being appointed a practice monitor. Further, the Hearing Panel finds that the Respondent shall pay all

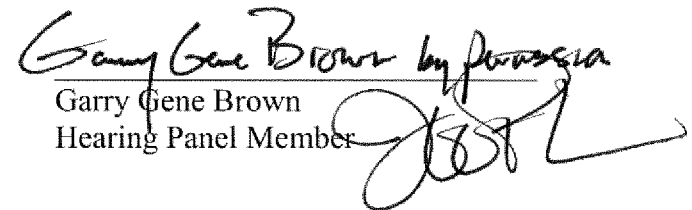
costs associated with this disciplinary proceeding and pay restitution in the total amount of \$9,244.50, to the Complainants as follows:

Dennis Farley	\$750
Melissa Francis	\$900
Kevin & Debra Kunst	\$150
Robert Schaleh	\$1500
Kathy Grandy	\$1800
Denise McFarland	\$1200
Aaron Lehman	\$1399.50
Rodgers and Rochelle Jones	\$250
Donnie Cook	\$1295

ENTERED ON THIS THE 29th DAY OF SEPTEMBER, 2011.


Jeffrey W. Parham
Hearing Panel Chair


James A. Hamilton
Hearing Panel Member


Garry Gene Brown
Hearing Panel Member

NOTICE: THIS JUDGMENT MAY BE APPEALED PURSUANT TO SECTION 1.3 OF SUPREME COURT RULE 9 BY FILING A PETITION FOR WRIT OF CERTIORARI, WHICH PETITION SHALL BE MADE UNDER OATH OR AFFIRMATION AND SHALL STATE THAT IT IS THE FIRST APPLICATION FOR THE WRIT. SEE TENN. CODE ANN. § 27-8-104(a) AND 27-8-106