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

BOARD OF PROFESSIONAL  
RESPONSIBILITY

*M. McLaughlin*  
EXEC. SEC.

IN RE: **CHRISTOPHER LEE BROWN,**  
**BPR No. 15788, Respondent,**  
**An Attorney Licensed to**  
**Practice Law in Tennessee**  
**(Shelby County)**

**DOCKET NO. 2011-2052-9-RS**

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**FINDINGS OF FACT AND CONCLUSIONS OF LAW OF HEARING PANEL**

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This matter came on for hearing before a duly appointed Hearing Panel on May 13, 2013, upon a Petition for Discipline filed June 2, 2011, by the Board of Professional Responsibility ("Board") against Respondent, Christopher Lee Brown, the Response to Petition for Discipline filed by Mr. Brown on August 29, 2011, the Supplemental Petition for Discipline filed April 23, 2012, by the Board, the Answer to Supplemental Petition for Discipline filed by Mr. Brown on June 12, 2012, the Hearing Panel's Order on Respondent's Motion for Continuance filed April 15, 2013, and the Motion for Default Judgment filed by the Board on April 30, 2013. Present for the hearing were Arthur E. Quinn, Panel Chair; Van Davis Turner, Panel Member; Christopher L. Taylor, Panel Member; and Kevin D. Balkwill, Disciplinary Counsel for the Board. Mr. Brown did not appear for the hearing and apparently sent an e-mail to the executive secretary of the Board at approximately 2:45 a.m. on the morning of trial indicating that he did not believe he would be able to appear because he had to undergo chemotherapy. The Hearing Panel convened privately after which it granted the Board's Motion for Default, and for which an order was later filed with the Board on May 14, 2013.

Upon argument of Disciplinary Counsel, evidence presented, and upon the entire record

in this cause, the Hearing Panel makes the following findings of fact and conclusions of law pursuant to Tennessee Supreme Court Rule 9, Section 8.

### **STATEMENT OF THE CASE**

The Board received formal complaints against Mr. Brown from Jimmie Tucker, Treva Rodgers, and Christine Denton between March 1, 2010, and June 21, 2010, which were forwarded to Mr. Brown for his response. After investigations were completed, the Board, on March 11, 2011, authorized the imposition of a Public Censure against Mr. Brown, with further authorization to file a Petition for Discipline if the Public Censure were rejected. Mr. Brown rejected the Public Censure and a Petition for Discipline was filed against him on June 2, 2011. The Board received additional formal complaints against Mr. Brown from Ronnie Hicks, Jr., Esq., Patricia Koran, and Lani Carey between July 4, 2011, and August 26, 2011, which were forwarded to Mr. Brown for his response. After investigations were completed, the Board, on March 9, 2012, authorized the filing of a Supplemental Petition for Discipline against Mr. Brown. The filing of a Supplemental Petition for Discipline was approved by the Hearing Panel on April 20, 2012, and filed by the Board on April 23, 2012. A trial was held on May 13, 2013, during which the Hearing Panel granted the Board's previously filed Motion to Strike Answers and for Default Judgment Deeming Allegations Contained in Petitions for Discipline Admitted.

### **FINDINGS OF FACT**

1. On June 2, 2011, the Board filed a Petition for Discipline against Mr. Brown.
2. On August 29, 2011, Mr. Brown filed a Response to the Petition for Discipline.
3. The Petition contained three (3) complaints that alleged violations of Rules of Professional Conduct 1.1 (Competence), 1.3 (Diligence), 1.4 (Communication), 3.2 (Expediting Litigation), 4.1 (Truthfulness and Candor in Statements to Others), and 8.4 (a) and (d)

(Misconduct).

4. On April 23, 2012, the Board filed a Supplemental Petition for Discipline against Mr. Brown.

5. On June 12, 2012, Mr. Brown filed an Answer to the Supplemental Petition for Discipline.

6. The Supplemental Petition contained three (3) complaints that alleged violations of Rules of Professional Conduct 1.2 (Scope of Representation and Allocation of Authority Between Client and Lawyer), 1.3 (Diligence), 1.4 (Communication), 1.16 (Declining or Terminating Representation), 3.2 (Expediting Litigation), 7.1 (Communications Concerning a Lawyer's Services), 7.3 (Solicitation of Potential Clients), 7.6 (Intermediary Organizations), and 8.4(a), (c), and (d) (Misconduct).

#### **COMPLAINT OF JIMMIE TUCKER**

7. On March 1, 2010, the Board received a complaint from Jimmie Tucker regarding the conduct of Mr. Brown. The matter was designated as File No. 32906-9-KB.

8. On March 3, 2010, Disciplinary Counsel provided a copy of the complaint to Mr. Brown and requested a response in a letter to Respondent.

9. After receiving no response, on March 19, 2010, Disciplinary Counsel sent a Notice of Temporary Suspension to Mr. Brown at his home and office address.

10. Mr. Brown responded to the complaint by letter of March 22, 2010.

11. On May 28, 2010, Disciplinary Counsel requested additional information from Mr. Brown.

12. After receiving no response, on June 14, 2010, Disciplinary Counsel sent a Notice of Temporary Suspension to Mr. Brown at his home and office address.

13. Mr. Brown responded to the request for additional information by letter received June 21, 2010.

14. On October 14, 2010, and November 1, 2010, Disciplinary Counsel requested additional information from Mr. Brown.

15. After receiving no response, on November 16, 2010, Disciplinary Counsel sent a Notice of Temporary Suspension to Mr. Brown at his office address.

16. Mr. Brown was temporarily suspended from the practice of law on December 14, 2010, for his failure to respond to the request for additional information.

17. Mr. Brown responded to the requests for additional information by letter received December 21, 2010.

18. On January 5, 2011, Mr. Brown was reinstated to the practice of law.

19. On May 23, 2008, Mr. Tucker retained Mr. Brown to represent him to clear up a title dispute regarding Mr. Tucker's 2005 Lexus automobile.

20. Mr. Tucker paid Mr. Brown a \$2,500.00 retainer fee and the filing fee at the time Respondent was retained.

21. Mr. Brown did not file a civil action on Mr. Tucker's behalf until October 1, 2008.

22. Mr. Brown accepted the summonses from the court clerk and served them upon the defendants by certified mail.

23. Service was complete as to all defendants on October 9, 2008.

24. Mr. Brown failed to return the original summonses to the court clerk and took no further action in the case.

25. Mr. Tucker made several attempts to contact Mr. Brown over many months but his calls were not returned.

26. On March 11, 2010, Mr. Brown finally submitted an Affidavit to the court indicating that all defendants had been served, but that he did not have the original summonses to file with the court.

27. Mr. Brown attached copies of the summonses with proof of certified delivery receipts to all defendants.

28. On the same date, Mr. Brown filed a Motion for Default Judgment.

29. On April 15, 2010, the court granted a default judgment against one of the defendants.

30. Mr. Brown did not appear before the court to schedule a Writ of Inquiry until August 13, 2010.

31. Mr. Brown and Mr. Tucker appeared in court on September 15, 2010, to present testimony as to damages pursuant to the Writ of Inquiry.

32. Mr. Brown failed to submit a Final Order to the court until December 15, 2010, which concluded the case.

33. Mr. Brown failed to act diligently in his representation of Mr. Tucker.

34. Mr. Brown failed to adequately communicate with Mr. Tucker.

35. The acts and omissions by Mr. Brown set forth above constitute ethical misconduct in violation of Rules of Professional Conduct 1.1, 1.3, 1.4, 3.2, 8.4(a) and (d).

#### **COMPLAINT OF TREVA RODGERS**

36. On January 24, 2010, Complainant Treva Rodgers sent a Request for Assistance to the Consumer Assistance Program of the Board of Professional Responsibility alleging ethical misconduct by Mr. Brown.

37. On March 19, 2010, the complaint was referred to Disciplinary Counsel and

designated File No. 32986c-9-KB.

38. On March 22, 2010, Disciplinary Counsel sent a copy of the complaint and a request for a response in a letter to Mr. Brown.

39. On March 31, 2010, Disciplinary Counsel received Mr. Brown's response to the Notice and complaint.

40. On June 18, 2009, Ms. Rodgers' mother retained Mr. Brown to represent Ms. Rodgers regarding predatory lending practices with Ms. Rodgers' mortgage refinance company.

41. Mr. Brown did not take any immediate action in the case.

42. On October 19, 2009, Mr. Brown filed a complaint on behalf of Ms. Rodgers.

43. Mr. Brown did not notify Ms. Rodgers that he had filed the Complaint.

44. Mr. Brown attempted to serve the named defendants in the case but was unsuccessful.

45. Mr. Brown advised Ms. Rodgers that he was unable to locate the defendants, but would make continuing efforts to track them down.

46. Ms. Rodgers made attempts to communicate with Mr. Brown but was only able to speak with his legal assistant on one or two occasions.

47. On or about November 16, 2009, Ms. Rodgers received a notice of foreclosure regarding her home with a scheduled auction date of December 18, 2009.

48. Ms. Rodgers retained attorney Carol Molloy to assist her, and on November 30, 2009, Ms. Molloy filed a civil complaint on behalf of Ms. Rodgers in addition to the filing of an application for a temporary restraining order to forestall foreclosure proceedings.

49. On December 10, 2009, the civil matter was removed to federal court and Ms. Molloy continued representation of Ms. Rodgers.

50. Ms. Molloy was able to serve all defendants in the case.

51. Ms. Rodgers was not made aware that Mr. Brown had initiated a civil action on her behalf until after she had filed a disciplinary complaint against him.

52. Disciplinary Counsel has requested written correspondence from Mr. Brown related to Ms. Rodgers' case and was only provided with two letters dated February 26, 2010, and April 6, 2010.

53. Mr. Brown has not taken any further court action in the case since October, 2009.

54. Mr. Brown failed to act diligently in his representation of Ms. Rodgers.

55. Mr. Brown failed to adequately communicate with Ms. Rodgers.

56. In May, 2010, Ms. Molloy reached a settlement in Ms. Rodgers' federal case and worked out an acceptable modification of the loan agreement.

57. The acts and omissions by Mr. Brown set forth above constitute ethical misconduct in violation of Rules of Professional Conduct 1.1, 1.3, 1.4, 3.2, 8.4(a) and (d).

#### **COMPLAINT OF CHRISTINE DENTON**

58. On April 27, 2010, Complainant Christine Denton sent a Request for Assistance to the Consumer Assistance Program of the Board of Professional Responsibility alleging ethical misconduct by Mr. Brown.

59. On June 21, 2010, the complaint was referred to Disciplinary Counsel and designated File No. 33232c-9-KB.

60. On June 21, 2010, Disciplinary Counsel sent a copy of the complaint and a request for a response in a letter to Mr. Brown.

61. After receiving no response, on July 23, 2010, Disciplinary Counsel sent a Notice of Temporary Suspension to Mr. Brown at his home and office address.

62. On August 18, 2010, Disciplinary Counsel notified Mr. Brown of the disciplinary complaint and Notice of Temporary Suspension by e-mail.

63. Mr. Brown responded to the complaint by letter dated June 4, 2010, which was sent in response to the August 18, 2010 e-mail from Disciplinary Counsel.

64. On August 23, 2010, August 31, 2010, September 21, 2010, and November 1, 2010, Disciplinary Counsel requested additional information from Mr. Brown.

65. After receiving no response, on November 16, 2010, Disciplinary Counsel sent a Notice of Temporary Suspension to Mr. Brown at his office address.

66. Mr. Brown responded to the requests for additional information by letter received December 13, 2010.

67. Ms. Denton retained Mr. Brown on or about December 7, 2007, to represent her in her dispute with a contractor who remodeled her home.

68. Mr. Brown filed a civil action on behalf of Ms. Denton on December 12, 2007, but the summons upon the defendant was returned "not to be found" in January, 2008.

69. Mr. Brown took no further court action in the case.

70. On June 3, 2008, Mr. Brown filed a separate civil action against the same defendant in the same court.

71. Mr. Brown was unable to serve process upon the defendant initially, but eventually accomplished service on September 18, 2008, through an alias summons.

72. In October, 2008, attorney Dennis Sadler notified the court that he was representing the defendant.

73. Mr. Brown made attempts to negotiate a settlement of the case but was unsuccessful.



74. On January 5, 2009, Mr. Sadler filed a Motion to Dismiss and Memorandum of Law supporting the motion.

75. Mr. Sadler made several attempts to communicate with Mr. Brown about setting the matter for trial with the court but was largely unsuccessful.

76. Additional efforts were made by the court to contact Mr. Brown about scheduling a trial date but those efforts were unsuccessful as well.

77. On July 15, 2009, Mr. Brown's legal assistant scheduled the case for trial with the court clerk on August 11, 2009.

78. On August 11, 2009, Mr. Brown was not prepared to go forward with the trial and the court awarded a judgment for the defendant without proof being taken.

79. On August 13, 2009, Mr. Brown timely filed an appeal on behalf of Ms. Denton.

80. Mr. Brown took no further action in the case.

81. On September 8, 2010, Mr. Sadler filed requests for discovery and renewed his Motion to Dismiss for Failure to Prosecute.

82. Mr. Sadler continued to have difficulty communicating with Mr. Brown but nevertheless sent many letters to Mr. Brown advising him of the status of the case.

83. On October 29, 2010, Mr. Sadler notified Mr. Brown that a series of motions that he had filed, including his Motion to Dismiss, would be heard by the court on November 12, 2010.

84. Mr. Brown did not appear in court on November 12, 2010.

85. On that date, Mr. Sadler sent another letter to Mr. Brown indicating that he had appeared in court and the judge advised that the motions would be rescheduled to November 24, 2010, and that if no response was received by Mr. Brown on that date, the judge would be

granting the motions.

86. On November 24, 2010, Mr. Brown again failed to appear in court and the court granted Mr. Sadler's Motion to Dismiss and entered an Order of Dismissal with Prejudice.

87. On December 8, 2010, Mr. Brown sent a letter to Ms. Denton stating that her case had been dismissed but that he did not have prior notice.

88. Mr. Brown further stated that the dismissal was caused by Ms. Denton's failure to provide him with requested discovery information.

89. Mr. Brown lastly indicated that he could either attempt to set aside the dismissal or do nothing, whichever Ms. Denton requested.

90. Mr. Brown failed to act diligently in his representation of Ms. Denton.

91. Mr. Brown failed to adequately and candidly communicate with Ms. Rodgers.

92. The acts and omissions by Mr. Brown set forth above constitute ethical misconduct in violation of Rules of Professional Conduct 1.1, 1.3, 1.4, 3.2, 4.1(a), 8.4(a) and (d).

#### **COMPLAINT OF RONNIE HICKS, JR., ESQ.**

93. On July 11, 2011, the Board notified Mr. Brown of this complaint and asked him for his response within ten (10) days.

94. Mr. Brown responded to the complaint by letter dated July 19, 2011.

95. On August 17, 2011, Mr. Hicks sent additional information to the Board.

96. Mr. Brown sent additional correspondence to the Board on August 26, 2011, and January 20, 2012.

97. On or about June 29, 2011, Mr. Brown was given a client referral from ExpertHub, an online professional advertising company.

98. ExpertHub has never been registered with the Board of Professional

Responsibility as an authorized Rule 44 intermediary organization.

99. ExpertHub's client referral related to a federal tax problem faced by Karma Rabon-Stith, M.D.

100. On June 29, 2011, Mr. Brown sent Dr. Rabon-Stith an e-mail soliciting his services.

101. Mr. Brown's e-mail correspondence stated that Vault Tax Lawyers, an entity created by Mr. Brown, consisted of a small group of attorneys.

102. At the time of his communication, Mr. Brown was a sole practitioner and the only attorney in his firm.

103. Mr. Brown's e-mail correspondence stated that the national (consumer tax assistance) companies do not have any attorneys working for them.

104. At the time of Mr. Brown's communication, Mr. Hicks was a licensed Florida attorney working for the Tax Defense Network, a consumer tax assistance company.

105. Mr. Brown's e-mail correspondence stated that his office is completely staffed with attorneys and support personnel with offices throughout the country.

106. At the time of his communication, Mr. Brown had only a single office assistant.

107. At the time of his communication, Mr. Brown maintained a single law office in Germantown, Tennessee.

108. Mr. Brown's e-mail correspondence stated that he had, "...lawsuits pending against most of them (national consumer tax assistance companies) for cheating our clients."

109. There is no indication that Mr. Brown had or has lawsuits pending against most of the national consumer tax assistance companies.

110. Mr. Brown's e-mail correspondence stated that the Tax Defense Network, "...are

crooks and give us honest groups a bad name.”

111. There is no indication that Mr. Brown has grounds for such a statement.

112. Mr. Brown has admitted to using similar solicitations for an extended period of time prior to the solicitation made to Dr. Rabon-Stith.

113. Mr. Brown made false and misleading communications about himself and his services.

114. Mr. Brown solicited professional employment from Dr. Rabon-Stith by electronic communication which contained fraudulent information.

115. Mr. Brown accepted a referral from an intermediary organization which he knew or should have known was not registered with the Board of Professional Responsibility.

116. Mr. Brown engaged in conduct involving dishonesty, fraud, deceit, and/or misrepresentation.

117. The acts and omissions by Mr. Brown set forth above constitute ethical misconduct in violation of Rules of Professional Conduct 7.1, 7.3(b)(2), 7.6(b)(1)(iv), and 8.4(c).

#### **COMPLAINT OF PATRICIA KORAN**

118. On August 4, 2011, the Board notified Mr. Brown of this complaint and asked him for his response within ten (10) days.

119. Mr. Brown responded to the complaint by letter dated August 8, 2011.

120. Additional correspondence and documentation was received by the Board from Ms. Koran on August 18, 2011, September 28, 2011, and October 27, 2011.

121. Additional correspondence and documentation was received by the Board from Mr. Brown on August 30, 2011, October 18, 2011, and January 20, 2012.

122. On or about July 1, 2011, Mr. Brown was given a client referral from ExpertHub,

an online professional advertising company.

123. ExpertHub has never been registered with the Board of Professional Responsibility as an authorized Rule 44 intermediary organization.

124. ExpertHub's client referral related to a federal tax problem faced by Patricia Koran.

125. On or about July 1, 2011, Mr. Brown contacted Ms. Koran and solicited his services.

126. On July 5, 2011, Ms. Koran executed a retainer agreement and paid Mr. Brown \$4,000.00 for representation in a tax dispute with the Internal Revenue Service.

127. Ms. Koran advised Mr. Brown that a meeting with the IRS was scheduled for July 25, 2011.

128. Mr. Brown had preliminary discussions with Ms. Koran about her tax dispute, but failed to respond to several inquiries from Ms. Koran thereafter.

129. On July 22, 2011, Mr. Brown's legal assistant contacted Ms. Koran and advised that the office e-mail system had been out of operation. Mr. Brown's legal assistant assured Ms. Koran that he would forward her e-mail communications to Mr. Brown.

130. Ms. Koran did not hear back from Mr. Brown and on July 24, 2011, sent an e-mail to Mr. Brown's legal assistant terminating the representation.

131. Mr. Brown sent an e-mail to Ms. Koran on July 25, 2011, and stated that he would call her the following day.

132. Ms. Koran responded to Mr. Brown's e-mail advising that she had settled the matter with the IRS and sought a refund of her fees.

133. Mr. Brown failed to provide any refund to Ms. Koran.

134. Mr. Brown failed to contact the IRS, Ms. Koran's accountant, or Ms. Koran herself about the July 25, 2011, IRS meeting.

135. Mr. Brown failed to diligently represent Ms. Koran's interests.

136. Mr. Brown failed to adequately communicate with Ms. Koran about the subject of the representation.

137. Mr. Brown failed to promptly return unearned fees to Ms. Koran upon the termination of his representation.

138. Mr. Brown accepted a referral of Patricia Koran from an intermediary organization which he knew or should have known was not registered with the Board of Professional Responsibility.

139. The acts and omissions by Mr. Brown set forth above constitute ethical misconduct in violation of Rules of Professional Conduct 1.3, 1.4, 1.16(d), and 7.6(b)(1)(iv).

#### **COMPLAINT OF LANI CAREY**

140. On August 29, 2011, the Board notified Mr. Brown of this complaint and asked him for his response within ten (10) days.

141. Mr. Brown responded to the complaint by letter dated October 3, 2011.

142. Additional correspondence was received by the Board from Ms. Carey on October 7, 2011; November 22, 2011; November 23, 2011; and January 25, 2012.

143. Additional correspondence and documentation were sent to the Board from Mr. Brown on November 15, 2011; January 13, 2012; January 20, 2012; and February 7, 2012.

144. On December 9, 2010, Ms. Carey retained Mr. Brown to represent her in a consumer protection dispute related to an automobile she had purchased.

145. On December 9, 2010, Ms. Carey paid Mr. Brown \$750.00 of a \$1,500.00 initial

retainer fee.

146. Ms. Carey sent several e-mails to Mr. Brown regarding the status of her case, but Mr. Brown failed to respond.

147. On or about January 13, 2011, Ms. Carey went to Mr. Brown's office in person and made a second payment of \$750.00.

148. Mr. Brown told Ms. Carey that her case would likely be set on the docket in April 2011.

149. Ms. Carey left voicemail messages for Mr. Brown in April 2011, without any response from Mr. Brown.

150. In May 2011, Ms. Carey was finally able to reach Mr. Brown by telephone.

151. Mr. Brown was unfamiliar with the status of Ms. Carey's case and advised that he would have to call her back.

152. Mr. Brown failed to call Ms. Carey back with a status update regarding her case.

153. Ms. Carey sent additional e-mails to Mr. Brown in June and August of 2011, but Mr. Brown failed to respond to her e-mails.

154. Mr. Brown did not file a lawsuit on behalf of Ms. Carey until September 8, 2011.

155. Mr. Brown appeared in court for the initial setting of the case on September 27, 2011, and requested that the matter be continued to October 12, 2011, with the designation "not for trial".

156. On October 12, 2011, Mr. Brown, without the knowledge or consent of Ms. Carey, sent a Consent Announcement Via Facsimile to the Court continuing the case until October 25, 2011.

157. On October 24, 2011, Mr. Brown, without the knowledge or consent of Ms. Carey,

sent a Consent Announcement Via Facsimile to the Court asking that Ms. Carey's case be dropped from the event calendar.

158. On November 22, 2011, Ms. Carey terminated Mr. Brown's representation in the case.

159. Mr. Brown failed to abide by Ms. Carey's decision concerning the objectives of her case and failed to consult with Ms. Carey about the means toward said objectives.

160. Mr. Brown failed to diligently represent Ms. Carey in her legal dispute.

161. Mr. Brown failed to adequately communicate with Ms. Carey during his representation.

162. Mr. Brown failed to promptly return unearned fees to Ms. Carey upon his termination from representation.

163. Mr. Brown failed to expedite the litigation in Ms. Carey's case.

164. Mr. Brown engaged in conduct prejudicial to the administration of justice.

165. The acts and omissions by Mr. Brown set forth above constitute ethical misconduct in violation of Rules of Professional Conduct 1.2(a), 1.3, 1.4, 1.16(d), 3.2, and 8.4(d).

#### **ADDITIONAL CONSIDERATIONS**

166. The Hearing Panel issued an Order on April 15, 2013, which required Mr. Brown to supply the Board with specific information and supporting documentation to support his request for a continuance of the April 11, 2013, trial date.

167. Mr. Brown failed to provide the Board with any response or supporting documentation as ordered by the Hearing Panel.

168. It is inferred that Mr. Brown's failure to comply with the order of the Hearing



Panel constitutes a false statement of fact as it pertains to the information contained in Mr. Brown's request for a continuance.

169. Mr. Brown has knowingly failed to respond to a lawful demand for information from the Hearing Panel.

170. Mr. Brown has knowingly failed to comply with the Hearing Panel's order entered in this proceeding in which Mr. Brown is a party.

171. The acts and omissions by Mr. Brown set forth above constitute ethical misconduct in violation of Rules of Professional Conduct 3.3(a)(1), 8.1(b), and 8.4(g).

172. In addition to Mr. Brown failing to provide the documentation and pleadings as ordered in the April 15, 2013 order, Mr. Brown has failed to take advantage of the opportunity to file a memorandum addressing any potential sanctions which may be imposed upon him as afforded in the order of the Panel entered on May 14, 2013. It should be further noted that Mr. Brown has not filed any type of motion or pleading asking for additional time or asking for permission to late file documents or pleadings.

#### **PRIOR DISCIPLINE**

173. On November 29, 2005, Mr. Brown received a Private Informal Admonition from the Board of Professional Responsibility for failing to act diligently in the representation of a client, failing to keep the client adequately informed about the status of the case, failure to promptly return to the client his file and property upon termination of the representation, and failure to advise the client of material developments in the case upon withdrawal in violation of RPC 1.3, 1.4(a) and (b), 1.16(d)(1) and (2), and 8.4(a) and (d).

174. On August 15, 2008, Mr. Brown received a Private Informal Admonition from the Board of Professional Responsibility for failing to make an appearance in court to protect the

interests of a client after the acceptance of representation of the client in violation of RPC 1.1 and 1.3.

### CONCLUSIONS OF LAW

1. Based upon the Order granting the Board's Motion for Default Judgment filed by the Hearing Panel on May 15, 2013, the following rule violations have been conclusively established against Mr. Brown:

RPC 1.1 (Competence);

RPC 1.2(a) (Scope of Representation and Allocation of Authority Between Client and Lawyer);

RPC 1.3 (Diligence);

RPC 1.4 (Communication);

RPC 1.16(d) (Declining or Terminating Representation);

RPC 3.2 (Expediting Litigation);

RPC 4.1(a) (Truthfulness in Statements to Others);

RPC 7.1 (Communications Concerning a Lawyer's Services);

RPC 7.3(b)(2) (Solicitation of Potential Clients);

RPC 7.6(b)(1)(iv) (Intermediary Organizations); and

RPC 8.4(a), (c) and (d) (Misconduct)

2. Additionally, the Hearing Panel finds that Mr. Brown violated the following rules in his pro se representation during the case:

RPC 3.3 (Candor Toward the Tribunal);

RPC 8.1(b) (Bar Admission and Disciplinary Matters); and

RPC 8.4(g) (Misconduct)

3. The Supreme Court has adopted for use by its Hearing Panels the ABA Center for

Professional Responsibility Standards for Imposing Lawyer Sanctions (ABA Standards).

4. The Hearing Panel finds the following ABA Standards to be applicable in this case:

ABA Standard 4.42

**Suspension is generally appropriate when:**

- (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client; or**
- (b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.**

ABA Standard 4.52

**Suspension is generally appropriate when a lawyer engages in an area of practice in which the lawyer knows he or she is not competent, and causes injury or potential injury to a client.**

ABA Standard 4.62

**Suspension is generally appropriate when a lawyer knowingly deceives a client, and causes injury or potential injury to the client.**

ABA Standard 6.22

**Suspension is appropriate when a lawyer knowingly violates a court order or rule, and there is injury or potential injury to a client or a party, or interference or potential interference with a legal proceeding.**

ABA Standard 7.2

**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.**

5. Section 9.2 of the ABA Standards sets forth several factors that may act to increase the level of discipline imposed.

6. Based upon the Order granting the Board's Motion for Default Judgment filed by

the Hearing Panel on May 15, 2013, the following aggravating factors have been conclusively established against Mr. Brown:

- (a) Prior Disciplinary Offenses;
- (b) Dishonest or Selfish Motive;
- (c) Pattern of Misconduct;
- (d) Multiple Offenses;
- (e) Refusal to Acknowledge Wrongful Nature of Conduct;
- (f) Substantial Experience in the Practice of Law; and
- (g) Indifference to Making Restitution

#### CONCLUSION

Based upon the Findings of Fact and Conclusions of Law set forth above, the Hearing Panel recommends the following:

1. Mr. Brown shall be suspended from the practice of law for a period of three (3) years.
2. Mr. Brown shall be required to comply with the provisions of Tennessee Supreme Court Rule 9, Section 18, regarding the obligations and responsibilities of suspended lawyers.
3. As a condition precedent to reinstatement to the practice of law, Mr. Brown shall provide restitution to Patricia Koran in the amount of \$4,000.00.
4. As a condition precedent to reinstatement to the practice of law, Mr. Brown shall provide restitution to Lani Carey in the amount of \$1,500.00.
5. As a condition precedent to reinstatement to the practice of law, Mr. Brown shall pay the costs and expenses of the Board pursuant to Tennessee Supreme Court Rule 9, Section 24.3.

6. As a condition precedent to reinstatement to the practice of law, Mr. Brown shall be required to undergo an assessment with the Tennessee Lawyers Assistance Program ("TLAP") and follow any recommendations for monitoring or follow-up treatment that TLAP may recommend.

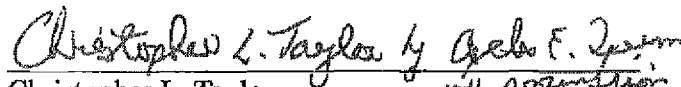
For the Hearing Panel:



Arthur E. Quinn  
62 North Main Street, Ste. 401  
Memphis, TN 38103



Van Davis Turner  
6465 Quail Hollow Road, Suite 103  
Memphis, TN 38103



Christopher L. Taylor  
191 Jefferson Avenue  
Memphis, TN 38103

**NOTICE**

This judgment may be appealed pursuant to Tenn. Sup. Ct. R. 9, § 1.3 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.