

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

FILED
2015 MAR -2 AM 10:51
CLERK OF THE COURT
RECEIVED

**IN RE: CHRISTOPHER LEE BROWN, DOCKET NO. 2013-2238-9-WM
BPR #15788, Respondent
An Attorney Licensed and
Admitted to the Practice of
Law in Tennessee
(Shelby County)**

FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT

This matter came on for hearing on November 17, 2014 before a Hearing Panel consisting of Phyllis Aluko, Nathan Bicks and Scott Vincent, Chair, upon a Petition for Discipline, a Supplemental Petition for Discipline, a Second Supplemental Petition for Discipline and a Third Supplemental Petition for Discipline. William C. Moody, Disciplinary Counsel, was present for the hearing. Mr. Brown was not present for the hearing. After the hearing, Phyllis Aluko recused herself. On November 18, 2014, Hayden Lait was appointed to replace Ms. Aluko after which Mr. Lait reviewed the transcript of the November 17, 2014 proceedings.

By letter to Disciplinary Counsel dated October 24, 2014, Mr. Brown requested a continuance of the November 17, 2014 hearing. The Hearing Panel considered Mr. Brown's request and denied it by order of January 23, 2015.

STATEMENT OF THE CASE

The Petition for Discipline, Supplemental Petition for Discipline, Second Supplemental Petition for Discipline and Third Supplemental Petition for Discipline were delivered by certified mail to the Respondent's registered address and returned unclaimed. In addition, all four (4) petitions were sent by First Class mail to the same address, not certified, and none were returned.

The Respondent did not file an Answer or otherwise appear. An Order for Default Judgment was entered in the Petition for Discipline on February 6, 2014 and in the Supplemental Petition for Discipline, Second Supplemental Petition for Discipline and Third Supplemental Petition for Discipline on October 2, 2014.

FINDINGS OF FACT

Mr. Brown has failed to answer the Board's Petitions for Discipline. The Hearing Panel has entered Orders of Default and, therefore, pursuant to Tenn. Sup. Ct. R. 9, § 8.2, the charges are deemed admitted.

FILE NO. 35278-9-BG- Complaint of David Upchurch

Mr. Upchurch retained Mr. Brown on December 1, 2011 to assist him in preparing a tax return for 2003 and assisting him in negotiating a reduction in the amount of tax owed for that year. Mr. Upchurch paid Mr. Brown a fee of \$3,000. Mr. Brown engaged in a pattern of not communicating with Mr. Upchurch, failing to respond to numerous telephone messages and emails and otherwise failing to keep Mr. Upchurch reasonably informed regarding the matter. Mr. Brown failed to perform the services for which he was retained and refused to refund the fee he was paid. Mr. Upchurch is entitled to restitution in the amount of \$3,000.

FILE NO. 35641-9-BG- Complaint of Tawanya Bell

Mr. Brown was retained by Ms. Bell to represent her in a lawsuit against Nationwide Insurance Company seeking the proceeds of an insurance policy which insured her home that had been destroyed by fire. Mr. Brown negotiated a \$250,000 settlement on Ms. Bell's behalf, the proceeds of which were deposited into his trust account in June, 2012. Mr. Brown disbursed \$80,000 to Ms. Bell from the settlement funds in his trust account and disbursed to himself a one-third (1/3) contingency fee in the amount of \$83,333.33. Mr. Brown sent two checks in the amounts of \$56,693.73 and \$1,418.51 to Chase Bank from the settlement funds in his trust

account for the purpose of paying off two mortgages on the property owned by Ms. Bell and insured by Nationwide but these amounts were insufficient to pay off the mortgage balances. Chase Bank applied the two checks to one of the mortgages resulting in a credit balance of \$44,107.35 which Chase Bank attempted to refund to Ms. Bell but she has not received the refund. One of the two Chase Bank mortgages remains unpaid. Mr. Brown has failed to disburse to Ms. Bell the remaining settlement funds deposited in his trust account leaving \$28,554.43 unaccounted for and apparently misappropriated by Mr. Brown. He has failed to provide her with a settlement statement. In light of his actions, Mr. Brown should not be entitled to his fee. Ms. Bell is entitled to restitution in the total amount of \$111,887.76.

FILE NO. 35897c-9-BG-- Complaint of Sandeep Gadhok

Mr. Brown was retained by Mr. Gadhok to represent him in litigation against Zameer Merchant. Mr. Brown filed three actions in the Shelby County General Session Court on behalf of Mr. Gadhok. After a trial in which judgment was entered on behalf of the defendant, Mr. Brown filed an appeal of one of those actions to Circuit Court. The Circuit Court Clerk notified Mr. Brown that the case was set for trial on July 20, 2011. Mark Grai, attorney for Mr. Merchant, wrote Mr. Brown on June 7, 2011 advising him the case was set for trial on July 20, 2011 and proposing a continuance. In this letter, Mr. Grai asked Mr. Brown to notify him if he was not representing Mr. Gadhok in the appeal and Mr. Brown did not respond to the letter. Mr. Grai wrote Mr. Brown on July 5, 2011 advising him that he would appear in court on July 7, 2011 moving for a continuance of the July 20, 2011 trial date. Mr. Brown did not appear in court on July 7, 2011 on the motion for a continuance. On July 7, 2011, the court continued the July 20, 2011 trial date until September 14, 2011. Mr. Grai advised Mr. Brown of the September 14, 2011 trial date. Mr. Brown did not advise Mr. Gadhok of the July 7, 2011 trial date nor the September 14, 2011 trial date. Mr. Brown did not appear in court for the September 14, 2011 trial date. As a

result of Mr. Brown's failure to appear in court for the September 14, 2011 trial, the court dismissed Mr. Gadhok's appeal for failure to prosecute. On September 19, 2011, Mr. Grai wrote Mr. Brown and advised him of the dismissal and provided him with a copy of the order of dismissal but Mr. Brown did not notify Mr. Gadhok of the dismissal of the appeal. At no time prior to the dismissal of the appeal did Mr. Brown advise Mr. Gadhok that he was not representing him in the appeal or move to withdraw as attorney of record for Mr. Gadhok in the appeal.

FILE NO. 35032-9-BG – Informant – Board of Professional Responsibility

During its investigation of the previous complaints, the Board became aware of other misconduct by Respondent. On four (4) occasions on February 15, 2010, Mr. Brown entered a post on the consumer complaints website "Complaints Board". Each post was in direct response to a post made by a specifically identified recipient; was made for the purpose of soliciting professional employment; was made with pecuniary gain as a significant motive; and, none of the posts were made in response to a lawyer, a close personal friend, a person with a prior professional relationship with Mr. Brown or a person who had initiated contact with Mr. Brown. On twenty-eight (28) occasions between June 3, 2010 and September 24, 2010, Shane Killeit, Mr. Brown's office administrator, entered a post on the consumer complaints website "Complaints Board". Each post was in direct response to a post made by a specifically identified recipient; was made for the purpose of soliciting professional employment; was made with pecuniary gain as a significant motive; and, none of the posts were made in response to a lawyer, a close personal friend, a person with a prior professional relationship with Mr. Brown or a person who had initiated contact with Mr. Brown. On August 20, 2010, Mr. Killeit entered a post on the website "honda.pissedconsumer.com." This post was in direct response to a post made by a specifically identified recipient; was made for the purpose of soliciting professional

employment; was made with pecuniary gain as a significant motive; and, was not made in response to a lawyer, a close personal friend, a person with a prior professional relationship with Mr. Brown or a person who had initiated contact with Mr. Brown. None of these posts were in compliance with the requirements of RPC 7.3(c)(1) and (6) (Solicitation of Potential Clients).

FILE NO. 35229-9-BG- Complaint of Sharon Johnsey-Schmidt

Mr. Brown was retained by Ms. Johnsey-Schmidt to represent her in an action against Federated Financial Corporation. After the action Mr. Brown filed in General Sessions Court was dismissed, he appealed it to Circuit Court where he obtained a default judgment against the defendant on February 28, 2008. On January 20, 2012, an order was entered setting aside the default judgment and dismissing the case on the grounds that the appeal from General Sessions Court had not been properly perfected. On multiple occasions in the Federated Financial Corporation matter, Mr. Brown obtained continuances of hearings attended by Ms. Johnsey-Schmidt without notifying her. Mr. Brown engaged in a pattern of not communicating with Ms. Johnsey-Schmidt and failing to respond to numerous telephone calls from her. Mr. Brown failed to notify Ms. Johnsey-Schmidt of the dismissal of the case.

FILE NO. 35881-9-BG- Complaint of Martha Shaw

Ms. Shaw retained Mr. Brown on March 23, 2011 to represent her in a claim against Allstate Insurance Company after Allstate denied a claim made pursuant to a homeowner's policy arising from a home burglary. Ms. Shaw paid Mr. Brown a \$1,500 retainer. Mr. Brown took no action in furtherance of his representation of Ms. Shaw. He completely failed to perform the services for which he was retained. Ms. Shaw telephoned Mr. Brown's office on numerous occasions, leaving messages for him to call her. Mr. Brown never spoke with Ms. Shaw nor returned any of her calls. She went to his office on numerous occasions in an effort to meet with him without success. Mr. Brown has not refunded the fee he was paid and Ms. Shaw is entitled to

restitution in the amount of \$1,500.

FILE NO. 35906-9(N)-BG- Overdraft

On February 6, 2013, an electronic withdrawal in the amount of \$79.95 was presented against the trust account of Mr. Brown at First Tennessee Bank which exceeded the balance in the account and the bank notified the Board of this trust account overdraft. Mr. Brown failed to respond to three requests by the Board for information regarding the overdraft.

FILE NO. 36012-9-BG- Complaint of Andrew Calhoun, O.D.

On December 16, 2011, Dr. Calhoun retained Mr. Brown to file a lawsuit in General Sessions Court for the collection of a debt and paid a \$1,500 retainer. Mr. Brown took no action in furtherance of his representation of Dr. Calhoun. He completely failed to perform the services for which he was retained. Mr. Brown has not refunded the fee he was paid and Dr. Calhoun is entitled to restitution in the amount of \$1,500.

FILE NO. 36142c-9-BG- Complaint of Barbara Baxter

On April 8, 2009, Ms. Baxter retained Mr. Brown to represent her in a wrongful death claim against the State of Tennessee in the Tennessee Claims Commission arising from the death of her son while an inmate in a state correctional facility. On March 16, 2010, Mr. Brown filed a claim for damages with the Division of Claims Administration. On June 14, 2010, the claim was transferred to the Claims Commission. On July 2, 2010, the Claims Commissioner entered an order directing that Mr. Brown file a formal complaint with the Clerk of the Claims Commission. Mr. Brown failed to do so. On September 16, 2010, the attorney for the State of Tennessee wrote to Mr. Brown requesting that he file the formal complaint but Mr. Brown did not respond. On February 2, 2011, an order was entered compelling Mr. Brown to file the formal complaint by February 28, 2011 but he failed to do so and the claim was dismissed on May 3, 2011. Mr. Brown failed to return multiple telephone calls made by Ms. Baxter. On at least two occasions

after the claim had been dismissed, Mr. Brown made false statements to Ms. Baxter leading her to believe that the claim was progressing normally. Mr. Brown never advised Ms. Baxter of the claim's dismissal.

FILE NO. 36182-9-BG- Complaint of Teresa Baldwin

On February 1, 2011, Ms. Baldwin retained Mr. Brown to represent her with regard to tax disputes with the Mississippi Department of Revenue and paid him a retainer of \$7,500. On February 24, 2011, at the direction of Mr. Brown, Ms. Baldwin borrowed \$100,000 against her home and transferred that money to Mr. Brown's trust account for the purpose of protecting her assets from seizure by the Mississippi Department of Revenue. Mr. Brown later transferred \$15,000 of these funds to Ms. Baldwin at her request. The remainder of the funds was to continue being held in trust by Mr. Brown. Since that time, Ms. Baldwin has made multiple requests for the return of the remaining funds but Mr. Brown has not replied to those requests. When there was an overdraft in Mr. Brown's trust account on February 6, 2013, there should have been at least \$85,000 of Ms. Baldwin's funds in the account. This amount was misappropriated by Mr. Brown. Mr. Brown ceased communicating with Ms. Baldwin, failed to perform the services for which he had been retained and failed to refund the \$7,500 retainer. Ms. Baldwin is entitled to restitution in the amount of \$92,500.

FILE NO. 36248c-9-BG- Complaint of Loran Hoffmeier

On September 16, 2009, Mr. Hoffmeier retained Mr. Brown to file a suit regarding damages to a rental home for which he paid a retainer of \$1,000. After a judgment was obtained against the defendants in that suit for \$5,000, Mr. Brown took no action to collect the judgment despite having agreed to do so. Mr. Hoffmeier made numerous attempts to communicate with Mr. Brown by telephone, email and mail but Mr. Brown did not respond to any of those attempts. Mr. Brown failed to return to Mr. Hoffmeier original documents provided to him.

FILE NO. 36648-9-BG– Complaint of William Budrow

A house owned by Mr. and Mrs. Budrow sustained a loss by fire. The house was insured by State Farm. State Farm denied the claim made by the Budrows as a result of the fire. The Budrows retained Mr. Brown to file suit against State Farm. Mr. Brown wrote to State Farm on May 15, 2012 making a formal demand upon State Farm to pay the Budrows' claim. Mr. Brown filed suit on behalf of the Budrows against State Farm on June 29, 2012. Among other things, Mr. Brown stated a claim for violation of TCA 56-7-105 which provides for a twenty-five percent (25%) penalty when an insurer's refusal to pay a claim is not in good faith. An insured's right to recover the twenty-five percent (25%) penalty pursuant to TCA 56-7-105 only applies when the insurer refuses to pay the loss within sixty (60) days after a demand has been made. The court dismissed the claim made pursuant to TCA 56-7-105 on the grounds that the suit had been filed by Mr. Brown less than sixty (60) days following his May 15, 2012 letter making a formal demand for payment of the claim. The dismissal of the claim made pursuant to TCA 56-7-105 occurred as a result of Mr. Brown's lack of competence by not waiting sixty (60) days from the time of making a formal demand for payment until filing suit. Mr. Brown failed to appear at a May 29, 2013 status conference. On June 21, 2013, the Tennessee Supreme Court temporarily suspended the law license of Mr. Brown pursuant to Tenn. Sup. Ct. R. 9, § 4.3. On July 24, 2013, Mr. Brown filed a notice of attorney's lien in the action making a claim for an attorney's fee in the amount of \$140,000.00. The notice of attorney's lien filed by Mr. Brown made a claim for an unreasonable fee. After his suspension, the Budrows discharged Mr. Brown as their attorney. The court entered an order directing Mr. Brown to return to the Budrows his entire file. While returning a portion of the file to the Budrows, Mr. Brown has failed to return to them certain documents and photographs which are critical evidence in their action against State Farm and of

which they did not retain copies.

FILE NO. 36336-9-BG-- Complaint of William Fentress

On October 15, 2010, Mr. Fentress retained Mr. Brown to file suit against Eric Mhoon arising from the sale and repair of an automobile sold by Mr. Mhoon to Mr. Fentress. Mr. Brown filed suit in the General Sessions Court for Shelby County on March 25, 2011. The case was set for trial in the General Sessions Court on April 25, 2011, May 23, 2011, June 7, 2011, July 12, 2011, August 9, 2011 and August 16, 2011. Mr. Brown failed to advise Mr. Fentress of any of these trial settings. Mr. Brown failed to appear for any of these trial settings. On August 16, 2011, the case was dismissed for failure to prosecute. On August 23, 2011, Mr. Brown appealed the case to the Circuit Court for Shelby County. Mr. Brown failed to make reasonable efforts to expedite the case. Mr. Brown failed to communicate with Mr. Fentress. On May 1, 2013, Mr. Brown stated to the court his intention to enter an order of voluntary dismissal. Mr. Brown failed to obtain Mr. Fentress' consent for taking this action and failed to notify him of it. On June 21, 2013, the Tennessee Supreme Court temporarily suspended the law license of Mr. Brown pursuant to Tenn. Sup. Ct. R. 9, § 4.3. Mr. Brown failed to notify Mr. Fentress, opposing counsel and the court of his suspension and failed to withdraw from the Circuit Court case. Mr. Fentress has paid to Mr. Brown fees in the amount of \$1,100.00. Mr. Brown failed to refund the unearned fees paid to him by Mr. Fentress. Mr. Fentress is entitled to restitution in the amount of \$1,100.

FILE NO. 36326-9-BG-- Complaint of Grander Williams, Jr.

Mr. Williams retained Mr. Brown to represent him in a suit against the seller of a used truck. The case was filed in the Circuit Court for Shelby County and went to trial. The jury awarded Mr. Williams \$50,000.00. The trial court granted the defendant's motion for new trial on January 8, 2013. After the granting of the new trial, Mr. Brown took no action to expedite the litigation. He failed to communicate with Mr. Williams and opposing counsel. Mr. Brown failed

to notify Mr. Williams, opposing counsel and the court of his suspension and failed to withdraw from the Circuit Court case in violation of Tenn. Sup. Ct. R. 9, § 18.1. Mr. Williams has paid to Mr. Brown fees in the amount of \$3,325.00. Mr. Brown failed to refund the unearned fees paid to him by Mr. Williams. Mr. Brown has failed to return Mr. Williams' file. Mr. Williams is entitled to restitution in the amount of \$3,325.

FILE NO. 35895c-9-BG- Complaint of Charles Bratcher

On October 27, 2011, Mr. Bratcher retained Mr. Brown to file suit against Hyman Builders alleging construction defects in a house owned by Mr. Bratcher and his wife. Mr. Bratcher paid to Mr. Brown \$500.00 for filing fees to be incurred. Mr. Brown failed to file suit against Hyman Builders. He never advised Mr. Bratcher of his failure to file suit. Mr. Brown failed to communicate with Mr. Bratcher. Mr. Brown failed to notify Mr. Bratcher of his suspension in violation of Tenn. Sup. Ct. R. 9, § 18.1. Mr. Brown failed to properly terminate his relationship with Mr. Bratcher and failed to refund the \$500.00 paid in advance for filing fees. Mr. Bratcher provided Mr. Brown with the original deed to his home. Mr. Brown failed to return the deed to Mr. Bratcher. Mr. Bratcher is entitled to restitution in the amount of \$500.

FILE NO. 36700-9-BG- Complaint of Michelle Vidulich-Edwards

On July 22, 2010, Ms. Vidulich-Edwards retained Mr. Brown to represent her in a lawsuit arising from the alleged wrongful repossession of a tractor-trailer owned by her. The retainer agreement provided for a fee of \$5,000 to be paid in monthly installments of \$500. The agreement further provided that Mr. Brown would file a lawsuit on behalf of Ms. Vidulich-Edwards after she had paid \$1,500. Despite the fact that Ms. Vidulich-Edwards paid a total of \$4,300 to Mr. Brown, he failed to file the lawsuit on her behalf. Mr. Brown failed to communicate adequately with Ms. Vidulich-Edwards refusing to return her telephone calls or respond to her emails requesting information about her case. Despite abandoning her case and

failing to perform any work on her behalf, Mr. Brown failed to refund the fees paid by Ms. Vidulich-Edwards. Mr. Brown failed to provide Ms. Vidulich-Edwards notice of his suspension in violation of Tenn. Sup. Ct. R. 9, § 18.1. Ms. Vidulich-Edwards is entitled to restitution in the amount of \$4,300.

FILE NO. 36425-9-BG- Board

On August 10, 2013, Mr. Brown committed a criminal domestic assault on his daughter by grabbing her, choking her and pushing her.

FILE NO. 36766-9-BG- Informant -- David Lakin, Esq.

Mr. Brown was arrested and charged with simple domestic assault as a result of the assault on his daughter described above. The Bartlett, Tennessee City Court entered an order requiring that Mr. Brown wear an alcohol monitoring device. Mr. Brown knowingly failed to comply with this order by failing to pay for its use resulting in his being found in contempt of court. The Bartlett, Tennessee City Court also entered an order requiring that Mr. Brown refrain from the consumption of alcoholic beverages. On December 3, 2013, Mr. Brown was apprehended by police standing on the side of a state highway in a highly intoxicated condition. Mr. Brown knowingly failed to comply with the order requiring that he refrain from the consumption of alcoholic beverages.

In each of the eighteen (18) complaints set out above, the Board provided Mr. Brown a copy of the complaint and requested his written response. In eleven (11) of the complaints, Mr. Brown failed to provide a response to the Board.

CONCLUSIONS OF LAW

Pursuant to Tenn. Sup. Ct. R. 9, § 3, the license to practice law in this state is a privilege, and it is the duty of every recipient of that privilege to conduct himself or herself at all times in

conformity with the standards imposed upon members of the bar as conditions for the privilege to practice law. Acts or omissions by an attorney which violate the Rules of Professional Conduct of the State of Tennessee shall constitute misconduct and be grounds for discipline.

The preponderance of the evidence establishes that Mr. Brown has committed the following violations of the Rules of Professional Conduct.

FILE NO. 35278-9-BG– Complaint of David Upchurch

By failing to perform the work for which he was retained, Mr. Brown violated RPC 1.3 (Diligence). By failing to communicate with Mr. Upchurch, he violated RPC 1.4 (Communication).

FILE NO. 35641-9-BG– Complaint of Tawanya Bell

By failing to properly payoff Ms. Bell's mortgages, Mr. Brown violated RPC 1.1(Competence) and 1.3 (Diligence). By failing to communicate with Ms. Bell, he violated RPC 1.4 (Communication). By failing to disburse the remaining settlement proceeds to Ms. Bell, by misappropriating her funds and by failing to provide her with a settlement statement, he violated RPC 1.15 (Safekeeping Property and Funds).

FILE NO. 35897c-9-BG– Complaint of Sandeep Gadhok

By his multiple missed court appearances, Mr. Brown violated RPC 1.3 (Diligence). By failing to notify his client of the multiple court dates and the dismissal of the appeal, he violated RPC 1.4 (Communication). By failing to withdraw from his representation, he violated RPC 1.16 (Declining or Terminating Representation).

FILE NO. 35032-9-BG – Informant – Board of Professional Responsibility

By failing to include the required language in his electronic communications soliciting employment from potential clients, Mr. Brown violated RPC 7.3(c)(1) and (6) (Solicitation of Potential Clients). By allowing his nonlawyer assistant to engage in the same practices, he

violated RPC 5.3 (Responsibilities Regarding Nonlawyer Assistants).

FILE NO. 35229-9-BG– Complaint of Sharon Johnsey-Schmidt

By failing to properly perfect the appeal, Mr. Brown violated RPC 1.1 (Competence). By failing to notify his client of continuances on multiple occasions, by failing to respond to her telephone calls and by failing to notify her of the dismissal of the case, he violated RPC 1.4 (Communication).

FILE NO. 35881-9-BG– Complaint of Martha Shaw

By failing to perform the services for which he was retained, Mr. Brown violated RPC 1.3 (Diligence). By not responding to his client's telephone calls and by not meeting with her, he violated RPC 1.4 (Communication). By failing to refund his unearned fee, he violated RPC 1.16 (Declining or Terminating Representation).

FILE NO. 35906-9(N)-BG– Overdraft

By allowing an overdraft in his trust account, Mr. Brown violated RPC 1.15 (Safekeeping Property and Funds).

FILE NO. 36012-9-BG– Complaint of Andrew Calhoun, O.D.

By failing to perform the services for which he was retained, Mr. Brown violated RPC 1.3 (Diligence). By not responding to his client's efforts to communicate with him, he violated RPC 1.4 (Communication). By failing to refund his unearned fee, he violated RPC 1.16 (Declining or Terminating Representation).

FILE NO. 36142c-9-BG– Complaint of Barbara Baxter

By failing to timely file a formal claim in the Claims Commission, Mr. Brown violated RPC 1.1 (Competence) and 1.3 (Diligence). By failing to respond to his client's efforts to

communicate with him, and failing to advise her of the dismissal of the claim, he violated RPC 1.4 (Communication). By falsely telling her the claim was proceeding normally after it had been dismissed, he violated RPC 8.4(c) (Misconduct).

FILE NO. 36182-9-BG-- Complaint of Teresa Baldwin

By failing to perform the work for which he was retained, Mr. Brown violated RPC 1.3 (Diligence). By failing to communicate with his client, he violated RPC 1.4 (Communication). By failing to maintain his client's funds in his trust account, he violated RPC 1.15 (Safekeeping Property and Funds). By failing to return his client's funds to her upon her requests, he violated RPC 1.16 (Declining or Terminating Representation). By misappropriating his client's funds, he violated RPC 8.4 (b) and (c) (Misconduct).

FILE NO. 36248c-9-BG-- Complaint of Loran Hoffmeier

By failing to take action to collect the judgment as he agreed to do, Mr. Brown violated RPC 1.3 (Diligence). By failing to respond to his client's efforts to communicate with him, he violated RPC 1.4 (Communication). By failing to return his client's property to him at the conclusion of his representation, he violated RPC 1.16 (Declining or Terminating Representation).

FILE NO. 36648-9-BG-- Complaint of William Budrow

By failing to allow for a sixty (60) day period following the making of a demand and before filing suit, Mr. Brown violated RPC 1.1 (Competence). By failing to appear for a status conference, he violated RPC 1.3 (Diligence). By filing a notice of attorney's lien for an excessive fee, he violated RPC 1.5 (Fees). By failing to return his clients' file to them as ordered to do so upon his discharge, he violated RPC 1.16 (Declining or Terminating Representation).

FILE NO. 36336-9-BG-- Complaint of William Fentress

By announcing a nonsuit without consulting with his client, Mr. Brown violated RPC 1.2

(Scope of Representation). By failing to appear at numerous settings in General Sessions Court, and by failing to prosecute the appeal in Circuit Court, he violated RPC 1.3 (Diligence). By failing to communicate with his client, he violated RPC 1.4 (Communication). By failing to give notice of his suspension, he violated 8.4(g) (Misconduct).

FILE NO. 36326-9-BG– Complaint of Grander Williams, Jr.

By failing to prosecute the case after the granting of a new trial, Mr. Brown violated RPC 1.3 (Diligence) and 3.2 (Expediting Litigation). By failing to communicate with his client and opposing counsel, he violated RPC 1.4 (Communication). By failing to refund unearned fees and failing to return his client's file upon his discharge, he violated RPC 1.16 (Declining or Terminating Representation). By failing to give notice of his suspension, he violated 8.4(g) (Misconduct).

FILE NO. 35895c-9-BG– Complaint of Charles Bratcher

By failing to perform the work for which he was retained, Mr. Brown violated RPC 1.3 (Diligence). By failing to communicate with his client, he violated RPC 1.4 (Communication). By failing to properly terminate his relationship with his client, failing to return his client's deed and failing to refund his unearned fee, he violated RPC 1.16 (Declining or Terminating Representation). By failing to give notice of his suspension, he violated 8.4(g) (Misconduct).

FILE NO. 36700-9-BG– Complaint of Michelle Vidulich-Edwards

By failing to perform the services for which he was retained, Mr. Brown violated RPC 1.3 (Diligence). By not responding to his client's efforts to communicate with him, he violated RPC 1.4 (Communication). By failing to refund his unearned fee, he violated RPC 1.16 (Declining or Terminating Representation).

FILE NO. 36425-9-BG– Board

By committing the criminal act of assaulting his daughter, Mr. Brown violated RPC

8.4(b) (Misconduct).

FILE NO. 36766-9-BG-- Informant -- David Lakin, Esq.

By failing to comply with a court order regarding an ankle monitoring device, and by failing to comply with a court order to refrain from the consumption of alcoholic beverages, Mr. Brown violated RPC 8.4(g) (Misconduct).

By failing to respond to the Board's request for information in eleven (11) of these complaints, Mr. Brown violated RPC 8.1 (Bar Admission and Disciplinary Matters).

Once disciplinary violations have been established, the Panel shall consider the applicable provisions of ABA Standards for Imposing Lawyer Sanctions.

Prior to consideration of any aggravating or mitigating circumstances, the following ABA Standards apply to this case:

4.11 FAILURE TO PRESERVE THE CLIENT'S PROPERTY

Disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client.

Mr. Brown knowingly converted \$28,554.43 from Tawanya Bell's settlement held in his trust account. He knowingly converted \$85,000 from Teresa Baldwin's funds held in his trust account.

4.41 LACK OF DILIGENCE

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.**

Mr. Brown abandoned his practice as evidenced by the number of complainants whose matters were abandoned by Mr. Brown. After accepting a retainer, he totally failed to perform the services for which he was retained by Martha Shaw, Andrew Calhoun, Charles Bratcher and Michelle Vidulich-Edwards. After performing some services for David Upchurch, Tawanya Bell, Sandeep Gadhok, Barbara Baxter, Loran Hoffmeier, William Budrow and Grander Williams, Jr., he abandoned their matters prior to their completion. He engaged in a gross pattern of neglect by missing numerous court appearances for Sandeep Gadhok and William Fentress. He failed to adequately communicate with all of the individual claimants.

4.51 LACK OF COMPETENCE

Disbarment is generally appropriate when a lawyer's course of conduct demonstrates that the lawyer does not understand the most fundamental legal doctrines or procedures, and the lawyer's conduct causes injury or potential injury to a client.

Mr. Brown demonstrated his lack of understanding basic fundamentals by not properly perfecting the appeal of Sharon Johnsey-Schmidt, by not filing a formal claim with the Claims Commission of behalf of Barbara Baxter and not waiting the proper period before filing suit on behalf of William Budrow.

4.61 LACK OF CANDOR

Disbarment is generally appropriate when a lawyer knowingly deceives a client with the intent to benefit the lawyer or another, and causes serious injury or potential serious injury to a client.

Mr. Brown knowingly deceived Barbara Baxter into believing her Claims Commission case was proceeding normally when it had actually been dismissed. His apparent intention was to avoid the repercussions from causing the case to be dismissed.

5.0 VIOLATIONS OF DUTIES OWED TO THE PUBLIC

5.11 FAILURE TO MAINTAIN PERSONAL INTEGRITY

Disbarment is generally appropriate when:

- (a) a lawyer engages in serious criminal conduct a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; or the sale, distribution or importation of controlled substances; or the intentional killing of another; or an attempt or conspiracy or solicitation of another to commit any of these offenses; or**
- (b) a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.**

Mr. Brown engaged in serious criminal conduct when he misappropriated \$28,554.43 from Tawanya Bell and \$85,000 from Teresa Baldwin.

5.12 FAILURE TO MAINTAIN PERSONAL INTEGRITY

Suspension is generally appropriate when a lawyer knowingly engages in criminal conduct which does not contain the elements listed in Standard 5.11 and that seriously adversely reflects on the lawyer's fitness to practice.

Mr. Brown's assault on his daughter was criminal conduct which seriously adversely reflects on his fitness to practice.

6.0 VIOLATIONS OF DUTIES OWED TO THE LEGAL SYSTEM

6.22 ABUSE OF THE LEGAL PROCESS

Suspension is generally appropriate when a lawyer knows that he or she is violating a court order or rule, and causes injury or potential injury to a client or a party, or causes interference or potential interference with a legal proceeding.

Mr. Brown knowingly violated court orders regarding his ankle bracelet and the consumption of alcoholic beverages resulting in his being held in contempt of court.

7.2 VIOLATION OF OTHER DUTIES OWED AS A PROFESSIONAL

Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a

professional, and causes injury or potential injury to a client, the public, or the legal system.

The notice of lien filed by Mr. Brown in William Budrow's case was an attempt to charge an excessive fee in violation of his duties as a profession. He violated his professional duties when he and his nonlawyer assistant failed to comply with requirements regarding the solicitation of potential clients. Finally, he repeatedly violated his professional duties by failing to respond to eleven (11) of these complaints.

Pursuant to ABA Standard 9.22, aggravating factors are present in this case. The following aggravating circumstances justify an increase in the degree of discipline to be imposed against Mr. Brown:

1. Prior Disciplinary Offenses: Mr. Brown received a three (3) year suspension on September 27, 2013 for a lack of diligence and communication regarding five (5) clients, accepting referrals from unregistered intermediary organizations and making a false statement to the hearing panel. He received a private informal admonition on July 10, 2008 for a lack of competence and diligence. He received a private informal admonition on November 29, 2005 for a lack of competence and diligence, improper withdrawal and conduct prejudicial to the administration of justice.

2. Dishonest or Selfish Motive: Mr. Brown was dishonest in his misrepresentations to Barbara Baxter and in his misappropriations from Tawanya Bell and Teresa Baldwin.

3. Pattern of Misconduct: Mr. Brown's conduct has shown a pattern of not communicating with his clients throughout these complaints.

4. Multiple Offenses: Mr. Brown has committed violations of RPC 1.1 (Competence), 1.2 (Scope of Representation), 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.15 (Safekeeping Property and Funds), 1.16 (Declining or Terminating Representation), 3.2

(Expediting Litigation), 5.3 (Responsibilities Regarding Nonlawyer Assistants), 7.3 (Solicitation of Potential Clients), 8.1 (Bar Admission and Disciplinary Matters) and 8.4(a), (b), (c) and (g) (Misconduct).

5. Obstruction of the Disciplinary Process: Mr. Brown failed to respond to eleven (11) complaints.

6. Refusal to Acknowledge Wrongful Nature of Conduct: Mr. Brown has not admitted a single instance of misconduct.

7. Vulnerability of Victims: Many of Mr. Brown's clients were vulnerable and lost significant amounts of money or had their lawsuits dismissed.

8. Respondent's substantial experience in the practice of law: Mr. Brown has been licensed to practice law since 1993.

9. Indifference to Making Restitution: Mr. Brown has shown no willingness to make restitution.

10. Illegal Conduct: Mr. Brown's assault on his daughter was illegal conduct as were his misappropriations from Tawanya Bell and Teresa Baldwin.

There are no mitigating circumstances.

Based upon the evidence and admissions in this matter, the appropriate discipline is a disbarment from the practice of law.

JUDGMENT

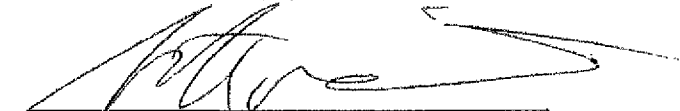
In light of the Findings of Fact and Conclusions of Law and the aggravating factors set forth above, the Hearing Panel hereby finds that Mr. Brown should be disbarred from the practice of law. As a condition of reinstatement, Mr. Brown shall make restitution as follows, or to the Lawyer's Fund for Client Protection if appropriate.

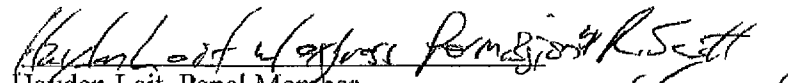
1. David Upchurch - \$3,000.00


2. Tawanya Bell - \$111,887.96
3. Martha Shaw - \$1,500.00
4. Andrew Calhoun, O.D. - \$1,500.00
5. Teresa Baldwin - \$92,500.00
6. William Fentress - \$1,100.00
7. Grander Williams, Jr. - \$3,325.00
8. Charles Bratcher - \$500.00
9. Michelle Vidulich-Edwards - \$4,300.00

As a condition precedent to any subsequent readmission to the practice of law, Mr. Brown must show proof that this restitution has been paid. Finally, Mr. Brown shall be ordered to pay the costs of these proceedings pursuant to Tenn. Sup. Ct. R. 9, § 24.3.

IT IS SO ORDERED.


Scott Vincent, Panel Chair


Hayden Lait, Panel Member


Nathan Bicks, Panel Member

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.