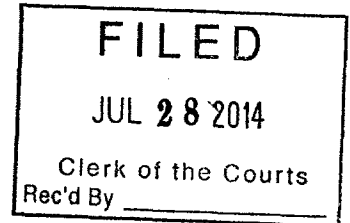


IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: PATRICIA DONICE BUTLER, BPR #22706

An Attorney Licensed to Practice Law in Tennessee
(Roane County)

No. M2014-01312-SC-BAR-BP
BOPR No. 2012-2117-2-KB



ORDER OF ENFORCEMENT

On July 9, 2014, the Board filed a Petition pursuant to Tennessee Supreme Court Rule 9, section 8.4, asking this Court to enter an Order of Enforcement incorporating the Hearing Panel's April 11, 2014 judgment against Patricia Donice Butler. The Board asserted that entry an Order of Enforcement was appropriate, pursuant to Tennessee Supreme Court Rule 9, section 8.4, because Ms. Butler had failed to file a petition for writ of certiorari seeking judicial review within sixty days of the Hearing Panel's judgment. See Tenn. Sup. Ct. R. 9, § 1.3 (2006) (providing that parties seeking judicial review must do so "in the manner provided by Tenn. Code Ann. § 27-9-101 et seq., except as otherwise provided herein"); Tenn. Code Ann. § 27-9-102 (2000) ("Such party shall, within sixty (60) days from the entry of the order or judgment, file a petition of certiorari in the chancery court of any county in which any one (1) or more of the petitioners, or any one (1) or more of the material defendants reside, or have their principal office, stating briefly the issues involved in the cause, the substance of the order or judgment complained of, the respects of which the petitioner claims the order or judgment is erroneous, and praying for an accordant review.

On July 15, 2014, Ms. Butler filed a Motion asserting that the Board's Petition should be denied. In support of her Motion, Ms. Butler stated that she had, on July 11, 2014, filed a Petition for Writ of Certiorari with the Chancery Court for Roane County seeking judicial review of the Hearing Panel's decision. Thus, entry of an Order of Enforcement pursuant to Rule 9, section 8.4 would be inappropriate, she claimed.

On July 18, 2014, the Board filed a Response arguing that Ms. Butler's Motion should be denied and its Petition granted because Ms. Butler's July 11, 2014 Petition for Writ of Certiorari was not filed within sixty days of the Hearing Panel's judgment, as required by Rule 9, section 1 and by Tennessee Code Annotated section 27-9-102. The Board further asserted that the Motion to Reconsider Ms. Butler filed with the Hearing

Panel after its judgment was entered did not toll the time for filing a petition for writ of certiorari. The Board additionally pointed out that Ms. Butler's Motion to Reconsider was filed more than thirty days after entry of the Hearing Panel's judgment; thus, even assuming a timely filed post-judgment motion tolls the time for filing a petition for writ of certiorari, the Board asserted that Ms. Butler's untimely filed Motion to Reconsider failed to do so. Accordingly, the Board asserted, the Hearing Panel's judgment became final sixty days after its entry; as a result, this Court should grant the Board's Petition for an Order of Enforcement against Ms. Butler pursuant to Rule 9, section 8.4, despite the untimely Petition for Writ of Certiorari Ms. Butler filed with the Chancery Court for Roane County.

Upon due consideration of the Board's Petition, Ms. Butler's Motion, the Board's Response, and the record before us, we agree with the Board that Ms. Butler's time for seeking judicial review expired before she filed the July 11, 2014 Petition for Writ of Certiorari on which her Motion is based. "The sixty[-]day time limit is jurisdictional, and the "[f]ailure to file a writ within this period precludes review of such decisions by the courts." Grisby v. City of Plainview, 194 S.W.3d 408, 412 (Tenn. Ct. App. 2005) (second alteration in the original). Accordingly, the Board's Petition for Order of Enforcement is properly before this Court pursuant to Rule 9, section 8.4.

Upon due consideration of the record before this Court, including a Petition for Discipline filed against Patricia Donice Butler on May 3, 2012; an Answer to Petition, Motion to Dismiss and Motion to Sever filed by Ms. Butler on May 29, 2012; a Response to Motion to Dismiss and Motion to Sever filed by the Board on June 11, 2012; a Motion for Recusal or Disqualification of Each Hearing Panel Member filed by Ms. Butler on November 15, 2012; a Response to Motion for Recusal of the Panel filed by the Board on November 20, 2012; an Order Granting Ms. Butler's Motion for Recusal or Disqualification of Each Hearing Panel Member entered by the Board on November 28, 2012; the appointment of a new Hearing Panel on December 11, 2012; a Motion for Recusal or Disqualification of Each Hearing Panel Member filed by Ms. Butler on January 15, 2013; a Response to Motion for Recusal or Disqualification of Each Hearing Panel Member filed by the Board on January 18, 2013; the Hearing Panel's Order Denying Ms. Butler's Motions to Dismiss, to Sever, to Recuse, to take the Deposition of Chairwoman of the Petitioner, and Granting in Part Motion to Compel Discovery on April 11, 2013; the Hearing Panel's Order Granting the Board's Motion for Protective Order on April 22, 2013; a Motion to Dismiss for Lack of Jurisdiction filed by Ms. Butler on May 13, 2013; a Petition for Civil Contempt filed by Ms. Butler on June 5, 2013; a Response to the Motion to Dismiss and Response to Motion for Civil Contempt filed by the Board on June 6, 2013; a Motion to Continue and a Motion to Permit Supplemental Petition for Discipline filed by the Board on July 3, 2013; the Hearing Panel's Order granting the Board's Motion for Continuance, Motion to Permit Supplemental Petition for Discipline, and Denying the Motion to Sever on July 11, 2013; a Supplemental

Petition for Discipline filed by the Board on July 12, 2013; an Answer to Supplemental Petition for Discipline filed by Ms. Butler on August 16, 2013; the final hearing held on February 10 and 11, 2014; the Judgment of the Hearing Panel filed on April 11, 2014; service of the Judgment of the Hearing Panel on Ms. Butler by the Executive Secretary of the Board on April 11, 2014; consideration and approval by the Board on May 20, 2014; a Motion to Reconsider filed by Ms. Butler on June 4, 2014; a Response to Motion to Reconsider filed by the Board on June 19, 2014; the Hearing Panel's Order denying the Motion to Reconsider on June 30, 2014; expiration of the appeal period with no appeal taken; and upon the entire record in this cause.

From all of which the Court approves and adopts the Judgment of the Hearing Panel as the Court's Order.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED BY THE COURT THAT:

(1) Pursuant to Tenn. Sup. Ct. R. 9, § 4.2 (2006), Patricia Donice Butler is suspended for nine (9) months, with ninety (90) days to be served as active suspension and the remaining six (6) months to be served on probation pursuant to Tenn. Sup. Ct. R. 9, § 8.5 (2006), subject to the following conditions:

(a) During the first ninety (90) days of active suspension, Ms. Butler is to complete twelve (12) hours of continuing legal education in topics of either: (1) ethics; (2) client communication; (3) accepting, declining and terminating representation; or (4) running a solo practice.

(b) During the period of probation Ms. Butler shall be assigned a practice monitor as provided for in Tenn. Sup. Ct. R. 9, § 8.5 (2006). Ms. Butler shall engage a practice monitor at her own expense who shall meet with her on a monthly basis to review basic office procedures such as scheduling, maintenance of case deadlines and the use of written communication. The practice monitor shall send monthly reports of these meetings to the Board. Ms. Butler shall select three potential practice monitors within thirty (30) days of entry of the Order of Enforcement and submit the names to Disciplinary Counsel for final approval of a practice monitor.

(c) Ms. Butler is to confer with the Tennessee Lawyer Assistance Program (TLAP) for a consultation and shall comply with any recommendations of TLAP.

(2) In the event Ms. Butler fails to meet any condition of probation, the probation may be revoked pursuant to Tenn. Sup. Ct. R. 9, § 8.5 (2006) and Tenn. Sup. Ct. R. 9, §14.2 (2014).

(3) Additionally, Ms. Butler shall comply in all aspects with Tenn. Sup. Ct. R. 9, § 18 (2006) and Tenn. Sup. Ct. R. 9, §30.4 (2014) regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.


(4) Ms. Butler must meet all CLE requirements and all registration requirements prior to reinstatement.

(5) Pursuant to Tenn. Sup. Ct. R. 9, § 18.5 (2006), this Order shall be effective ten (10) days after the date of entry.

(6) Pursuant to Tenn. Sup. Ct. R. 9, § 24.3 (2006), Ms. Butler shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$7,019.97 and shall pay to the Clerk of this Court the costs incurred herein, within ninety (90) days of the entry of this Order, for all of which execution may issue if necessary.

(7) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 18.10 (2006).

FOR THE COURT:



CORNELIA A. CLARK, JUSTICE