

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: DON W. COOPER, BPR #001286
An Attorney Licensed to Practice Law in Tennessee
(Sullivan County)

No. M2017-00328-SC-BAR-BP
BOPR No. 2016-2584-1-AW

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Don W. Cooper on May 20, 2016; upon a Motion for Default Judgment and that Charges in the Petition for Discipline be Deemed Admitted filed August 19, 2016; upon a Supplemental Petition for Discipline filed August 24, 2016; upon an Order Granting Motion for Default entered September 27, 2016; upon the Hearing Panel's Findings of Fact and Conclusions of Law entered November 23, 2016; upon service of the Findings of Fact and Conclusions of Law on Mr. Cooper by the Executive Secretary of the Board on November 23, 2016; upon the Board's Application for Assessment of Costs filed November 30, 2016; upon the Hearing Panel's Findings and Judgment on Assessment of Costs entered December 7, 2016; upon service of the Hearing Panel's Findings and Judgment on Assessment of Costs upon Mr. Cooper on December 7, 2016; upon consideration and approval by the Board on December 28, 2016; upon expiration of the appeal period with no appeal taken; and upon the entire record in this cause.

From all of which the Court accepts the decision of the Hearing Panel and adopts the Hearing Panel's Findings of Fact and Conclusions of Law as the Court's Order.

On December 4, 2015, Mr. Cooper was temporarily suspended by this Court pursuant to Tenn. Sup. Ct. R. 9, § 12.3. To date, Mr. Cooper has not requested, nor been granted reinstatement.

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

(1) Don W. Cooper is disbarred from the practice of law, pursuant to Tenn. Sup. Ct. R. 9, § 12.1;

(2) Pursuant to Tenn. Sup. Ct. R. 9, § 12.7, and as a condition precedent to any reinstatement, Mr. Cooper shall make restitution to the following individuals and shall furnish to the Board of Professional Responsibility proof of restitution. In the event restitution is made by the Tennessee Lawyer's Fund for Client Protection (TLFCP), Mr. Cooper shall reimburse TLFCP:

- (a) Estate of Alva L. Frye and/or Susan C. Frye Trust - \$375,000.00
- (b) Tilley Trusts - \$525,056.58
- (c) Estate of Phyllis Pendergrass - \$52,702.79

(3) Prior to seeking reinstatement, Mr. Cooper must satisfy all CLE requirements; have remitted all outstanding registration fees and outstanding professional privilege taxes, including those due from the date of this disbarment until the date of reinstatement; and have remitted all court costs and Board costs in this matter.

(4) Mr. Cooper shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4 regarding the obligations and responsibilities of disbarred attorneys and the procedure for reinstatement.

(5) The Order of Temporary Suspension entered on December 4, 2015, (Docket No. 2015-2520-1-AW(12.3)) is hereby dissolved.

(6) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Cooper shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$1,486.52 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, if necessary, may issue.

(7) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1, this Order shall be effective upon entry.

(8) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 28.11.

PER CURIAM