

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
02/23/2018
Clerk of the
Appellate Courts

IN RE: DON W. COOPER, BPR #1286
An Attorney Licensed to Practice Law in Tennessee
(Sullivan County)

No. M2018-00303-SC-BAR-BP
BOPR No. 2017-2742-1-WM
BOPR No. 2017-2757-1-WM-22.3

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Don W. Cooper on July 12, 2017; upon the August 18, 2017, Order of Enforcement suspending the license of Mr. Cooper and referring the matter to the Board of Professional Responsibility for the institution of formal proceedings to determine the extent of final discipline to be imposed; upon a Petition for Final Discipline filed on August 21, 2017; upon a Motion to Consolidate filed on August 29, 2017; upon an Order to Consolidate entered on September 6, 2017; upon a Motion for Default Judgment and that Charges in the Petition for Discipline and Petition for Final Discipline Be Deemed Admitted filed September 25, 2017; upon an Order for Default Judgment entered October 3, 2017; upon a hearing on November 9, 2017; upon the Findings of Fact, Conclusions of Law and Judgment entered November 14, 2017; upon service of the Findings of Fact, Conclusions of Law and Judgment on Mr. Cooper by the Executive Secretary of the Board on November 14, 2017; upon the Board's Application for Assessment of Costs filed November 14, 2017; upon the Findings and Judgment on Assessment of Costs entered December 5, 2017; upon service of the Findings and Judgment on Assessment of Costs upon Mr. Cooper on December 5, 2016; upon consideration and approval by the Board on December 8, 2017; upon expiration of the appeal period with no appeal taken; and upon the entire record in this cause.

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

On February 23, 2017, Mr. Cooper was disbarred by this Court pursuant to Tenn. Sup. Ct. R. 9, § 12.1 (Case No. M2017-00328-SC-BAR-BP). 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, retroactive to August 18, 2017;

(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 Estate of Helen Shipley in the amount of \$57,000.00. In the event restitution is made by the Tennessee Lawyer's Fund for Client Protection (TLFCP), Mr. Cooper shall reimburse TLFCP in the same amount.

(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) Further, the disbarment of February 23, 2017, in Case No. M2017-00328-SC-BAR-BP, shall remain in effect pending further orders of this Court.

(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 \$746.53 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