



**BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**

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RELEASE OF INFORMATION
RE: THOMAS EWING COWAN, BPR# 2026
CONTACT: KRISANN HODGES
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

February 23, 2011

ELIZABETHTON LAWYER SUSPENDED

On February 17, 2011, Thomas Ewing Cowan, of Elizabethton, Tennessee, was suspended from the practice of law for three (3) years by the Tennessee Supreme Court. Mr. Cowan must also pay restitution to a former client, Herman Geidel, in the amount of \$1,500.00. Mr. Cowan must pay the Board's costs in the amount of \$19,616.99 prior to reinstatement.

In addition to this disciplinary suspension, Mr. Cowan has been suspended since March 1, 2010 pursuant to Section 14 of Tennessee Supreme Court Rule 9.

After a full evidentiary hearing held April 20th and 21st, 2009, a Hearing Panel determined that Mr. Cowan misrepresented his licensure status to the Chancery Court by failing to advise the Court that he had been administratively suspended due to a failure to pay registration fees. His conduct resulted in an Order setting aside a judgment of a three (3) day trial. In another matter, Mr. Cowan failed to appear in Circuit Court following the issuance of a show cause Order requiring his attendance. The Hearing Panel determined that in a majority of the disciplinary complaints filed by clients, Mr. Cowan demonstrated extremely negligent office management which resulted in a pattern of dilatory conduct. Specifically, Mr. Cowan failed to comply with deadlines, to respond to motions, to draft and file orders, and to communicate the status of cases to his clients and third parties. Further, Mr. Cowan failed to avoid a conflict of interest. Finally, the Hearing Panel found that Mr. Cowan either failed to respond or provided a late response to all of the disciplinary complaints.

Mr. Cowan's actions violate the following Rules of Professional Conduct: 1.1, Competence; 1.2, Scope of Representation; 1.3, Diligence; 1.4, Communication; 1.5, Fees; 1.15, Safekeeping Property; 1.16, Declining and Terminating Representation; 3.2, Expediting Litigation; 3.3(a), Candor Toward the Tribunal; 8.1, Bar Admission and Disciplinary Matters; and 8.4(a)(c)(d), Misconduct. Mr. Cowan's actions also violate the following Disciplinary Rules: 1-102; 6-101; and 7-101.

Mr. Cowan must comply with Sections 18 and 19 of Supreme Court Rule 9 regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

Cowan 1439-1; 1571-1; 1776-1.rel.doc

PLEASE NOTE

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IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

2011 FEB 17 PM 3:51

IN RE: THOMAS EWING COWAN, JR., BPR #2026

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

APPELLATE COURT CLERK
NASHVILLE

NO. M2011-00345-SC-BPO-BP

BOPR Nos. 2004-1439-1-TH, 2006-1571-1-TH, & 2008-1776-1-KH

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed on April 23, 2004 by the Board of Professional Responsibility ("Board") against Thomas Ewing Cowan, Jr., ("Respondent") in Docket No. 2004-1439-1-TH; upon Respondent's Answer to the Petition for Discipline filed on May 24, 2004; upon a Supplemental Petition for Discipline filed on October 13, 2004; upon Respondent's Answer to the Supplemental Petition filed on December 6, 2004; upon two (2) subsequent Supplemental Petitions for Discipline filed on June 7, 2005 and October 31, 2006; upon Petition for Discipline filed on January 9, 2006 in Docket No. 2006-1571-1-TH; upon Petition for Discipline filed on September 8, 2008 and Supplemental Petition for Discipline filed on October 6, 2008 in Docket No. 2008-1776-1-KH; upon Orders of the Hearing Panel consolidating all of the petitions; upon a final hearing held April 20th and 21st, 2009; upon the Judgment of the Hearing Panel entered on July 1, 2009; upon the Board's consideration of this matter on July 12, 2009; and upon the entire record in this cause.

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

By Order entered March 1, 2010, in Case No. M2010-00457-SC-BPO-BP, Respondent was suspended from the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 14. To date, Respondent has not been granted reinstatement. Further, he is currently suspended for failure to comply with continuing legal education requirements.

It is therefore, **ORDERED, ADJUDGED** and **DECREED** by the Court that:

1. Respondent, Thomas Ewing Cowan, Jr., is hereby suspended from the practice of law for three (3) years pursuant to Supreme Court Rule 9, Section 4.2.

2. Pursuant to Supreme Court Rule 9, Section 4.7, Respondent shall pay restitution to Herman Geidel in the amount of \$1,500.00. Payment of restitution shall be a condition precedent to reinstatement.

3. The suspension shall become effective ten (10) days after the filing of this Order.

4. Respondent shall comply in all aspects with Supreme Court Rule 9, Sections 18 and 19 regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement. Respondent must demonstrate compliance with continuing legal education requirements prior to reinstatement.

5. By Order entered March 1, 2010, in Case No. M2010-00457-SC-BPO-BP, Respondent was suspended from the practice of law pursuant to Tennessee Supreme Court Rule 9, Section 14. To date, Respondent has not been granted reinstatement. The entry of this Order does not affect the continuing validity of the prior disciplinary suspension.

6. Pursuant to Supreme Court Rule 9, Section 24.3, the Respondent shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$19,616.99 and in addition, 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 shall cause notice of this discipline to be published as required by Supreme Court Rule 9, Section 18.10.

FOR THE COURT:

Cornelia A. Clark

CORNELIA A. CLARK
CHIEF JUSTICE

I, Michael W. Catalano, Clerk, hereby certify that
this is a true and exact copy of the original

filed in the cause.

This

17 day of

Feb., 2011

CLERK OF COURT

D.C.