

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

OCT 26 2004

IN RE: SCOTT ERIC CRAWFORD, BOPR #17056

An Attorney Licensed in Tennessee
(Shelby County)

Clerk of the Courts

BPR DOCKET NO. 2002-1345-9-JJ

No.

M2004-00657-JC-BPR-BP

AGREED ORDER ON CONDITIONAL PLEA OF GUILTY

In this cause, the Board of Professional Responsibility filed a Petition for Discipline against the Respondent, Scott Eric Crawford on November 2, 2002. The Petition for Discipline alleged, *inter alia*, that Respondent had engaged in a pattern of deceptive conduct as to two legal matters he handled for clients in 2001-2002. In the first matter, the Petition alleged that respondent perpetrated a fraud upon the complainant and *pro se* opposing party in a divorce case by drafting and filing with the Shelby County Circuit Court a Final Decree which was inconsistent with the provisions of the marital dissolution agreement, and by instructing his secretary to sign the opposing party's name to the Final Decree without authorization. The Board alleged as to this first matter that the Respondent's misrepresentation proximately caused the improper assessment of court costs against the complainant in the fall of 2001. With respect to the second matter, the Petition for Discipline alleged that Respondent assisted an attorney unlicensed in Tennessee in the unauthorized practice of law in Shelby County General Sessions Court, without discharging his own mandatory duties pursuant to Tennessee Supreme Court Rule 19.

Respondent filed an Answer to the Petition for Discipline in November of 2002, and a Hearing Panel from Disciplinary District IX was appointed to decide this matter in January, 2003. Extensive discovery was conducted and several prehearing matters were taken up by the Panel during 2003 and early 2004. The cause was set for final hearing before the Panel on August 18, 2004 and at this hearing, Respondent indicated his desire to plead to said Petition. Pursuant to Section 16 of the Tennessee Supreme Court Rule 9, Respondent tendered a Conditional Guilty Plea ("Plea") on September 10, 2004, a copy of which is attached hereto as Exhibit A and incorporated herein by reference, wherein Respondent:

- (i) Plead guilty to violating DR 1-102(A)(1)(4)(5)(6); DR7-102(A)(1)(3)(4)(5)(6)(8); DR 7-106(C); and Canon 9 of the Code of Professional Responsibility inasmuch as he improperly instructed his secretary to sign the opposing party's name to a Court Order without the opposing party's consent resulting in the wrongful assessment of court costs against this party, and improperly assisted an attorney

unlicensed in Tennessee to engage in the unauthorized practice of law in Shelby County without complying with the requirements of Tennessee Supreme Court Rule 19;

(ii) Agreed to be suspended from the practice of law for a period of nine (9) months retroactive to his temporary suspension of March 19, 2004 (imposed by this Court in an unrelated matter) for his actions as set forth within the November 2, 2002 Petition for Discipline, subject to approval of his Plea by the Hearing Panel, the Board and this Court, and agreed and understood that he would not be reinstated to the practice of law in Tennessee upon the expiration of nine (9) months after March 19, 2004 unless he has first petitioned this Court for dissolution or modification of the March 19, 2004 temporary suspension order and obtained an order from this Court dissolving or modifying said temporary suspension order;

(iii) Agreed and understood that he is not entitled to petition this Court for dissolution or modification of the March 19, 2004 temporary suspension order unless he is acquitted of the federal criminal charges which resulted in said temporary suspension order or unless the US District Court dismisses such charges; and

(iv) Agreed to pay to the Board pursuant to Supreme Court Rule 9, Section 24.3, the costs and expenses of this proceeding at the rate of \$100 per month until paid in full with the first such \$100 payment due 30 days after the filing date of any order of this Court approving this plea, and in addition, agreed to pay to the Clerk of this Court the costs incurred herein for which execution may issue if necessary.

Disciplinary Counsel recommended acceptance of Respondent's Plea, and on September 10, 2004, the Hearing Panel approved the same. On September 17, 2004, the Board of Professional Responsibility approved the Respondent's Plea. Both the Board and the Hearing Panel treated the Respondent's reimbursement in early 2003 of the \$201 in court costs to the complainant in the first matter, and his lack of a prior disciplinary history as of the filing of the instant Petition, as mitigating factors.

Agreed Order on Conditional Guilty Plea
Respondent: Scott Eric Crawford
Board Docket No. 2002-1345-9-JJ

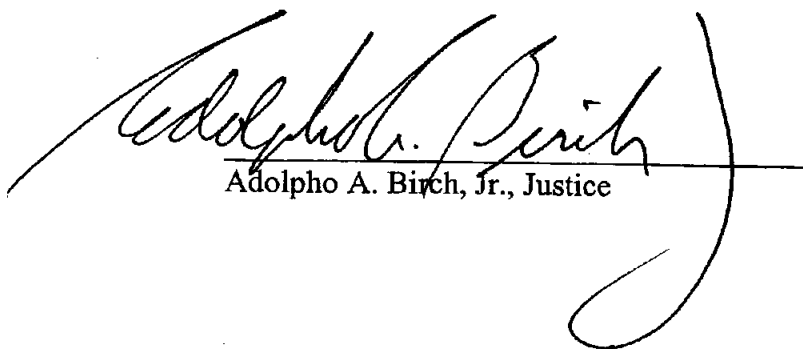
It is, therefore, **ORDERED, ADJUDGED and DECREED** by the Court that the Conditional Guilty Plea be approved and incorporated herein, and that Scott Eric Crawford be, and is hereby **suspended from the practice of law in Tennessee for a period of nine (9) months retroactive to March 19, 2004**, the date of his temporary suspension imposed by this Court in an unrelated matter, as set forth in the Plea. It is further **ORDERED** that the Respondent shall not be reinstated to the practice of law in Tennessee upon the expiration of nine(9) months after March 19, 2004 unless he has first obtained an Order from this Court dissolving or modifying the Court's March 19, 2004 Order temporarily suspending his law license.

Moreover, it is **ORDERED** that Respondent shall comply fully with the obligations of suspended lawyers as required by Supreme Court Rule 9, §18 and that Respondent shall pay the Board's costs and expenses of these proceedings in the amount of \$7,518.15 at the rate of \$100.00 per month until paid in full with the first \$100.00 payment being due 30 days after the filing date of this Order. Finally, in addition to the Board's costs and expenses, it is **ORDERED** that Respondent shall pay to the Clerk of this Court the costs incurred herein, for all of which execution may issue if necessary.

The Board of Professional Responsibility shall cause notice of this Order to be published as required by Supreme Court Rule 9.

It is so **ORDERED**, this 26th day of October, 2004.

FOR THE COURT:

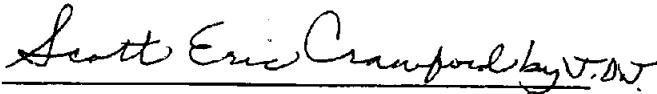

Adolpho A. Birch, Jr., Justice

Agreed Order on Conditional Guilty Plea
Respondent: Scott Eric Crawford
Board Docket No. 2002-1345-9

APPROVED FOR ENTRY:



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Agreed Order on Conditional Guilty Plea
Respondent: Scott Eric Crawford
Board Docket No. 2003-1380-9-JJ