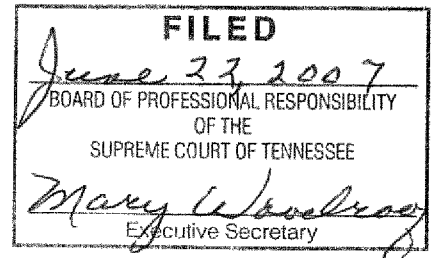


IN DISCIPLINARY DISTRICT IX
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE



IN RE:

SCOTT ERIC CRAWFORD, BOPR #17056,

No. 2005-1520-9-JJ(14)

Respondent.

FINDINGS AND JUDGMENT OF HEARING PANEL

This proceeding came on to be heard on June 13, 2007 before a hearing panel of three district committee members duly appointed by the Tennessee Supreme Court, upon a Petition for Final Discipline filed by disciplinary counsel on September 14, 2005. And based upon the statements of disciplinary counsel and the respondent, respondent's Position Paper on Final Discipline and exhibits filed on May 11, 2007, exhibits proffered by disciplinary counsel and introduced into evidence without objection, as well as the record as a whole, the hearing panel finds as follows:

1. The respondent, Scott Eric Crawford, was admitted to the Tennessee Bar in 1995.
2. The respondent primarily practiced law in Memphis, Tennessee between 1995 and late February of 2004. During the time that he was a licensed attorney his employers included the Shelby County Defender's Office and two private law firms. Respondent also worked as a sports agent and taught at a law school. Respondent was a sole practitioner in Memphis during the time period relevant to these proceedings.

3. On March 2, 2004, respondent was indicted by the federal grand jury in the Western District of Tennessee on ten counts of violating 18 U.S.C. §§2, (aiding and abetting), 371, (conspiring to commit offenses against the United States), 666(a)(2) (bribery), 922(g)(1) & (k) (possession in interstate commerce of firearms with altered serial numbers), 1510(a) & 1512(c)(2) (obstruction of justice), and 21 U.S.C. §841(a)(1) & 846 (possession of, and conspiracy to possess cocaine with the intent to distribute), within Indictment No. 04-20103 DV.

4. On March 23, 2004, respondent was charged in a fifteen-count indictment in the United States District Court for the Western District of Tennessee with violations of 18 U.S.C. §§2 (aiding and abetting), 1956(a)(1) & 1957 (money laundering), and 2113(a) (bank larceny).

5. On March 13, 2005, respondent and the United States entered into a written and signed Statement of Facts. Respondent stipulated that all of the facts admitted in this Statement of Facts would be proven beyond a reasonable doubt if the case had gone to trial.

6. On March 14, 2005, respondent entered a plea of guilty to Counts 2, 3, 4, 5, 6, 7 & 9 of the Indictment in Criminal No. 04-20103-D, and to Counts 1 through 15 of the Indictment in Criminal No. 04-20150-D. Respondent stated that these were "best interest" pleas and that the Statement of Facts he signed was merely an acknowledgement that the acts detailed therein could be proven but that he did not agree that those acts constituted crimes. On August 19, and 22, 2005, the United States District Court for the Western District of Tennessee conducted a sentencing hearing and ordered respondent to serve 71 months in prison.

7. At the sentencing hearing, United States District Judge Bernice B. Donald stated the following with regard to respondent's conduct, "And I just find that that is just appalling, I find that it is a total disgrace to everything that we stand for as members of the legal profession. And I think it cast[s] a pall on the entire system."

8. Respondent admitted in the March 13, 2005 Statement of Facts to having committed crimes involving obstruction of justice, bribery, conspiracy and aiding and abetting in violation of 18 U.S.C. §§2, 371, 666(a)(2), 1510 (a), & 1512(c)(2), as follows:

a. Paying Lt. Clark and Det. Wright of the Memphis Police Department (who were posing as corrupt police officers) a total of \$10,000 in bribes during the month of February, 2004 to have evidence against respondent's client, Holley, destroyed, and to have a state court firearms charge dismissed;

b. Arranging to have a juvenile with a "clean record" to act as a phony witness and claim the gun found in Holley's car;

c. Withdrawing the first \$5,000 in bribe money for Holley's case from his bank account, placing this money in an apartment magazine within a magazine stand at the Union Planters Bank at 3307 Poplar Avenue, and directing Lt. Clark to the magazine stand on February 12, 2004;

d. Withdrawing the second \$5,000 in bribe money for Holley's case from his bank account and delivering it to Lt. Clark in a mailbox outside Lt. Clark's office;

e. Paying Lt. Clark in February, 2004 a total of \$3,500 in bribes to have Lt. Clark prepare a fraudulent letter requesting a USSG §5K1.1 downward departure for respondent's friend & client, Jeffrey Holliday, in Holliday's then pending federal criminal case, based on fictitious assistance to law enforcement officers;

f. Describing Holliday in a January 15, 2004 conversation with Lt. Clark as "[his] security", and stating in such conversation that he "would do everything in his power to make sure [Holiday] stays out of jail;"

g. Mentioning to Lt. Clark in a February 10, 2004 recorded conversation "the 5K1 on my best friend" and asking Lt. Clark "is there any number that can be associated with that?" in said conversation; and responding to Lt. Clark in a recorded February 11, 2004 conversation that Holliday would sell a car or "whatever" to pay for the bogus 5K1;

h. Meeting with Lt. Clark and Det. Wright on February 16, 2004 at his office along with Holliday, wherein he discussed the "5K1 letter" for Holliday that would describe the bogus "five or six good cases" that Holliday assisted with;

i. Delivering \$3,500 in cash bribes to Lt. Clark on the morning of February 19, 2004 for Holliday's matter;

j. Meeting with Lt. Clark and Det. Wright along with Holliday on several occasions between January 15 and February 23, 2004, in order to arrange "setting up" a rival overseer to Holliday in the Gangster Disciples gang by supplying a firearm and drugs to be planted on this rival;

k. Delivering a loaded pistol, and 11.7 grams of crack cocaine to a mailbox used for prior deliveries to Lt. Wright on February 21, 2004, removing the serial number of the pistol prior to this delivery, and redelivering 10.7 grams of crack cocaine to the same mailbox used in prior deliveries to Lt. Clark on February 23, 2004 after being told by Lt. Clark that the first delivery of drugs on February 21, 2004 was bad.

9. Respondent admitted in the March 13, 2005 Statement of Facts to having committed crimes involving money laundering in violation of 18 U.S.C. §§1956(a)(1) & 1957, as follows:

a. Agreeing to launder cash proceeds of cocaine stolen from the Memphis Police Department's Property and Evidence Room ("PER") which was then sold for Patrick Maxwell, a former employee of the PER, through intermediaries by depositing the cash in respondent's "Crawford Law Firm DBA X-Roads Sports Management" account at Am South Bank, and then reissuing cashier's checks and depositing them into an account set up for Maxwell at Prudential Securities;

b. Laundering \$81,500 in cocaine proceeds for Maxwell in June of 2002 by depositing this sum in his X-Roads Sports Mgt. account and by issuing and depositing a cashier's check of \$81,400 on June 25, 2002 into a brokerage account in the name of Patrick D. Maxwell and Kimberly E. Maxwell at Prudential Securities;

c. Laundering \$50,000 in cocaine cash proceeds for Maxwell in July, 2002 by depositing this sum in his X-Roads Sports Mgt. account and by issuing and depositing a cashier's check in the approximate amount of \$50,000 into a brokerage account in the name of Maxwell Enterprises at Prudential Securities;

d. Being “willfully blind” to the source of the money he was laundering for Maxwell which was delivered to him via a third party in June and July of 2002;

10. Respondent admitted in the March 13, 2005 Statement of Facts to having committed bank larceny in violation of 18 U.S.C. §2113(a), as follows:

a. Endorsing and depositing a \$12,389.50 check from the State of Tennessee Criminal Injuries Victims Compensation payable to UT Medical Group regarding medical services rendered to his client, Yorel Allen, into his X-Roads Sports Mgt. Acct., and keeping an unauthorized cash attorney fee from Mr. Allen in the amount of \$5,000 on or about June 13, 2003;

b. Endorsing and depositing a \$16,623.54 check from the State of Tennessee Criminal Injuries Victims Compensation payable to the Regional Medical Center, into an account of his client, Yorel Allen, on or about June 13, 2003; and

c. Endorsing and depositing a \$15,570.00 check from the State of Tennessee Criminal Injuries Victims Compensation payable to UT Medical Group regarding medical services rendered to his client, Danyell Cannady, into respondent’s account captioned “Scott Crawford DBA Crawford Law Firm” at Union Planters Bank, and keeping an unauthorized cash attorney fee from Mr. Cannady in the amount of \$3,870.

Contrary to the Statement of Facts that he signed, respondent claimed at the final hearing on discipline that the checks were made payable to his clients.

11. The crimes committed by respondent involved obstruction of justice of cases concerning Eric Holley and Jeffrey Holliday, money laundering of illegal drug proceeds, bank larceny of State of Tennessee Criminal Injuries Victims Compensation checks intended for medical service providers, bribery with intent to influence agents of the Memphis Police Department, possession in interstate commerce of a firearm with an altered serial number, and aiding and abetting and conspiracy to commit offenses against the United States.

12. Pursuant to Tenn. R. Sup. Ct. 9, §14.4, the sole issue to be determined in this proceeding is the extent of final discipline to be imposed.

13. The respondent violated DR 1-102(A)(1), (3), (4), (5) and (6).

14. The respondent violated RPC 1.15(a) and (b); RPC 3.3(a), (b) and (c); RPC 3.4(a) and (b); RPC 3.5(a); RPC 4.1(a); RPC 4.4(a) and RPC 8.4(a), (b), (c), (d) and (e).

15. Respondent violated his duties owed to clients, to the public, to the legal system and to the profession as set out in the *ABA Standards for Imposing Lawyer Sanctions* (hereinafter "*ABA Standard*") Chapters 4.0, 5.0, 6.0 and 7.0.

16. Under *ABA Standard* 4.11, disbarment is generally the appropriate disciplinary sanction (absent mitigating circumstances), where, as here, a lawyer knowingly converted client property (the State of Tennessee Criminal Injuries Victims Compensation checks) due to be paid to his clients' medical providers, thereby causing injury or potential injury to his clients who are thereafter subject to possible suit or collection action by such medical providers.

17. Pursuant to *ABA Standard* 5.11(a), disbarment is the appropriate sanction (absent mitigating circumstances) where, as here, an attorney has been convicted of multiple felonies that include intentional obstruction of, and interference with the administration of justice, bribery of officers, false statements, bank larceny, and laundering of proceeds of illegal drug sales.

18. The respondent's making of false statements to the Memphis Police Department regarding Holliday's purported "5K1 assistance," his procuring of a witness to testify falsely in Holley's weapons charge, and his other submission of false information in an attempt to deceive the federal and state courts prior to his arrest on February 29, 2004

that caused at least a potentially significant outcome in these other cases generally requires disbarment according to *ABA Standard 6.11* absent mitigating circumstances.

19. The respondent's utilization of improper influence with undercover officers of the Memphis Police Department with the intent to injure Holliday's "rival", and his bribery with the intent to affect the outcome of Holley's and Holliday's own criminal cases that caused at least a potentially significant interference with the outcome of these other legal proceedings, generally warrants disbarment pursuant to *ABA Standard 6.31* absent mitigating circumstances.

20. The following aggravating circumstances justify an increase in the degree of discipline to be imposed under *ABA Standard 9.22*:

- a. A prior disciplinary record (Agreed Order on Conditional Plea of Guilty dated October 26, 2004);
- b. A pattern of misconduct;
- c. Multiple offenses;
- c. Substantial experience in the practice of law; and
- d. A dishonest motive;

21. Respondent's cooperative attitude toward these disciplinary proceedings is a mitigating circumstance under *ABA Standard 9.32*. However, this does not outweigh the aforementioned aggravating circumstances.

22. Respondent's violations of the aforementioned Disciplinary Rules and Rules of Professional Conduct warrant his disbarment from the practice of law pursuant to Tenn. R. Sup. Ct. 9, §4.1. Respondent shall be assessed the costs of these proceedings pursuant to Tenn. R. Sup. Ct. 9, § 24.3.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED as follows:

- A. That Scott Eric Crawford be and is hereby disbarred from the practice of law in Tennessee;
- B. That the disbarment shall be retroactive to and effective on March 19, 2004, the date on which Mr. Crawford was temporarily suspended from the practice of law;
- C. That Scott Eric Crawford shall comply in all respects with Rule 9, Rules of the Supreme Court of Tennessee, and specifically with Section 18 of said Rules regarding the obligations and responsibilities of disbarred attorneys;
- D. That Scott Eric Crawford shall reimburse and pay to the Board of Professional Responsibility the costs and expenses of this proceeding.

ENTERED this 18th day of June, 2007.

B. J. Wade (by Ryles with permission)
B. J. Wade, Panel Chair

David Blaylock (Ryles with permission)
David Blaylock, Panel Member

Russell W. Savory
Russell W. Savory, Panel Member