



**IN DISCIPLINARY DISTRICT VI  
OF THE  
BOARD OF PROFESSIONAL RESPONSIBILITY  
OF THE  
SUPREME COURT OF TENNESSEE**

**IN RE: W. RAY CULP, III,  
BPR #17727, Respondent  
An Attorney Licensed and  
Admitted to the Practice of  
Law in Tennessee  
(Williamson County)**

**DOCKET NO. 2005-1563-6-SG**

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**JUDGMENT OF THE HEARING PANEL**

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On September 30, 2008, this cause came to be heard by the Hearing Panel consisting of Mark Allen Rassas, Chair; William H. Dale, Jr. and Jeffrey K. Walker. The Respondent was represented at the Hearing by Tyree B. Harris, IV. Deputy Chief Disciplinary Counsel – Litigation, Sandy Garrett, represented the Board of Professional Responsibility.

After consideration of the proof, evidence and arguments of counsel, the Hearing Panel makes the following finds of fact:

1. On July 31, 2006, the plaintiff pled guilty to attempted extortion and was sentenced to 36 months of which he served 19 months and also received a fine of \$7,500, as set out in Exhibit 1.
2. His license to practice law was summarily suspended on April 3, 2006. He closed his law practice in approximately December, 2004, and has not been involved in the practice of law since that date.

3. Prior to his plea of guilty for attempted extortion, he had no criminal record and no disciplinary record as an attorney.

4. That prior to his indictment for attempted extortion, the Respondent had a significant financial net worth which has been wholly depleted.

5. That the Respondent has three minor children which he assists to support. He is currently married, but issues related to his criminal charges have caused alienation from his spouse.

6. The Respondent alleges that he was to receive no financial benefit from the transaction which was the basis for the attempted extortion and further contends that he did not believe that his conduct related to such at the time of commission was criminal, but the hearing panel has concerns about his credibility related to those two issues.

7. At the hearing for the subject discipline the Respondent now acknowledges that his conduct was criminal, an error in judgment and in violation of the Rules of Professional Conduct.

8. The Respondent sought to introduce 13 letters previously marked as Collective Exhibit 3 for identification vouching for his character. These were objected to by counsel for the Board on the grounds of hearsay. The panel determined that such should be admitted, but found that they were merely cumulative of the character witnesses and letters previously introduced.

9. The Respondent called Attorney Jonathan Cole and Mr. Jim Askew as character witnesses. Both of these individuals had long-standing relationships with the Respondent,

testified that the action in question was isolated and out of character, and that the Respondent had a significant rehabilitative potential.

The Hearing Panel further makes the following conclusions of law:

1. Tennessee Supreme Court Rule 9, Sections 14.4 and 8.4 allow a Hearing Panel to impose a range of discipline including disbarment or suspension of an attorney who has committed an infamous crime and who is guilty of unprofessional conduct of dishonesty.

2. Tennessee Supreme Court Rule 9, Section 14.3 holds that a certificate of conviction of an attorney for any crime shall be conclusive evidence of the commission of that crime and that the Board shall refer the matter to a hearing panel to determine the sole issue of the extent of final discipline imposed.

### **JUDGEMENT**

1. That the actions of the Respondent constitute an infamous crime involving dishonesty for which discipline is appropriate.

2. That because of the Respondent's lack of prior criminal or attorney disciplinary actions and because of the serious punishment that has been previously imposed and the serious personal and financial consequences from such, and because of his potential for rehabilitation, a suspension rather than disbarment is the appropriate discipline.

3. That the appropriate discipline shall be a five (5) year suspension. The Respondent's suspension shall be an additional two and one half (2½) year suspension from the date of the September 30, 2008, hearing, coupled with the Respondent's summary suspension beginning April 3, 2006.

Entered this the 24<sup>th</sup> day of November, 2008.

Mark A. Rassas By SG w/ permission  
MARK A. RASSAS, Hearing Panel Chair

William H. Dale By SG w/ permission  
WILLIAM H. DALE, JR., Hearing Panel Member

Jeffrey K. Walker By SG w/ permission  
JEFFREY K. WALKER, Hearing Panel Member