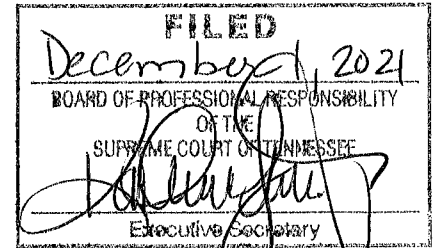


**IN DISCIPLINARY DISTRICT V
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPEREME COURT OF TENNESSEE**



**IN RE: ROBERT ALLEN DOLL, III,
BPR #022764, Respondent,
An Attorney License and
Admitted to the Practice of
Law in Tennessee
(Davidson County)**

DOCKET NO. 2017-2721-5-WM-22.3

ORDER AND RECOMMENDATION

JUDGEMENT OF THE HEARING PANEL

This cause came on to be heard for trial before a hearing panel of the Board Professional Responsibility of the Supreme Court of Tennessee on November the 23rd, 2021 in a Courtroom at the Nashville School of Law. The cause was heard pursuant to Rule 9 of the Rules of the Tennessee Supreme Court. The hearing panel consisted of Stanley A. Kweller Chair, Daniel C. Todd, and Jennifer Sheppard. After considering the entire record of this matter, the testimony of the sole witness, the exhibits presented, and the arguments of counsel presented to the panel and after thorough deliberation the panel makes the following findings of fact and conclusions of Law and renders its judgement in this matter.

The Respondent, Robert Allen Doll III, is an attorney licensed to practice law in the State of Tennessee with Board of Professional Responsibility #022764.

A petition for discipline was filed against him in this matter on June 1, 2017 alleging that he was convicted in a criminal case in Williamson County, Tennessee. The

Respondent appealed the decision of the Williamson County Criminal Court to the Tennessee Court of Criminal Appeals. The Respondent also filed an application for Rule 11 relief before the Tennessee Supreme Court which application was denied on the 13th day of May, 2021.

It is the position of the Board of Professional Responsibility that the convictions in question involve serious crimes as defined by the Rules of the Tennessee Supreme Court and as such the presumptive punishment for the conviction of such offenses is disbarment pursuant to the Rules of the Tennessee Supreme Court and the ABA Standards on Impositions of Lawyer Sanctions upon which this panel is to rely.

The board further suggests that there are aggravating factors which support the imposition of the presumptive discipline that includes prior disciplinary offenses, a dishonest or selfish motive, the substantial experience of the Respondent in practicing law and his illegal conduct.

The Respondent has conceded the fact of the convictions both in his written answer and his testimony at trial but argues that there are mitigating factors which could allow the panel to recommend a punishment less than disbarment. Specifically, the Respondent argues that there is an absence of a dishonest; or selfish motive, that he has a good character or reputation, that there was delay in the disciplinary proceedings, that there were other penalties or sanctions which were imposed on him and that the punishment is not in line with the punishment for other attorney's accused of similar behaviors.

FINDINGS OF FACT

1. It is undisputed that the Respondent was convicted of two counts of subornation of aggravated perjury, and one count of criminal simulation under case number II-CR078988-V in the Criminal Court for Williamson County, Tennessee on May 17th, 2017. (Exhibit 4 to these proceedings.)
2. The conviction was upheld by an opinion of the Tennessee Court of Criminal Appeals on the 8th day of December, 2020 set out in a copy of the opinion attached to the pre-trial brief of the Board of Professional Responsibility filed on September 27th, 2021.
3. Both parties have acknowledged and agree that the Tennessee Supreme Court did not grant a Rule 11 application for review by that Court by order that occurred on the 13th day of May, 2021.
4. The Respondent, Robert Allen Doll III, has been licensed an attorney in the State of Tennessee since 2003.
5. The Respondent, Robert Allen Doll III, has received three previous disciplines since his admittance to the bar: the first dated September 19th, 2011 which was a private informal admonition as set out in Exhibit 1 to these proceedings; the second was a public censure on the 14th day of April, 2014 as set out in Exhibit 2 to these proceedings; and the third an Order of Enforcement entered on the 20th day of September, 2018 where the Respondent was summarily suspended for 90 days as set out in Exhibit 3 to these proceedings.
6. The panel further finds that since his suspension Mr. Doll has been working in the field of Public Accounting, a field which according to the testimony, he was involved in prior to his attending law school. The panel further finds the

Mr. Doll has testified that his abilities to represent some of his clients are limited because of his lack of a law license and will be so limited in the future.

CONCLUSIONS OF LAW

7. The panel finds that Board of Professional Responsibility has proven by a preponderance of the evidence that the Respondent was convicted of three criminal offenses including two acts of subornation of aggravated perjury and criminal simulation all of which are felonies and all of which are serious crimes as defined by the rule governing the conduct of attorneys in the State of Tennessee.
8. The panel further finds that, due to Respondent's conviction of said serious crimes, under the ABA Standards for Imposing Lawyer Sanctions Sections 5.1 and 5.11 disbarment is the presumptive punishment when a lawyer, engages in serious criminal conduct a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, and solicitation of another to commit any of these offenses.
9. The panel further finds that the Respondent, Mr. Doll, has violated sections 7.0 and 7.1 of the ABA standards in that he violated his duties owed as a professional by knowingly engaging in conduct with the intent to obtain a benefit for the lawyer or another and causing serious or potentially serious injury to a client.

10. Aggravating factors in this matter include the following as set out in the ABA Standards for the Imposition of Lawyer Sanctions under Rule 9.2 and more specifically 9.22 these include:

- a. Prior disciplinary offenses by the Respondent, Robert Doll, as indicated in paragraph number 5 above;
- b. Dishonest and selfish motives, which the Panel find to be applicable;
- c. A pattern of misconduct, which the Panel find does not apply;
- d. Multiple offenses, which the Panel finds does not apply;
- e. Bad faith obstruction of the disciplinary process, which the Panel finds does not apply;
- f. Submission of false evidence during a disciplinary process does not apply in this matter
- g. The refusal to acknowledge the wrongful nature of misconduct, which the Panel finds to be applicable;
- h. The vulnerability of the victim, which the Panel finds does not apply;
- i. Substantial experience in the practice of law, which the Panel finds does apply. Mr. Doll was licensed to practice law in Tennessee in 2003.
- j. Indifference in making restitution, which the Panel finds does not apply.
- k. Illegal conduct, which the Panel finds is applicable as Mr. Doll was convicted of three felony offenses including the subornation of aggravated perjury as defined by the Tennessee Code Annotated.

Regarding the issues of mitigation the panel finds as follows:

11. Mitigating factors are set out under section 9.3 and specifically 9.32 of the ABA

Standards for the Imposition of Lawyer's Sanctions. They are as follows:

- a. Absence of prior disciplinary records, which the Panel does not apply as Mr. Doll has three prior events of discipline by the Board;
- b. Absence of a dishonest or selfish motive, which the Panel finds does not apply as the acts of Mr. Doll were dishonest;
- c. No evidence was offered as to any personal or emotional problems experienced by Mr. Doll and, therefore, this factor does not apply.
- d. Good faith effort to make restitution or rectify the consequences of the misconduct, which the Panel finds does not apply;
- e. Full and free disclosure to the disciplinary board or cooperative attitude towards proceedings, which the Panel finds is applicable as Mr .Doll has been cooperative;
- f. Inexperience in the practice of law, which the Panel finds does not apply.
- g. No evidence was presented on the issue of character or reputation of Mr. Doll and therefore this mitigating factor does not apply.
- h. No evidence was present on the issue physical disability and, therefore, this factor does not apply.
- i. No evidence was present on the issue of mental disability or chemical dependency and, therefore, this factor does not apply.
- j. Delay of disciplinary proceeding. Mr. Doll did offer evidence and argument that there was delay in the imposition of the disciplinary proceedings in this matter. However, Mr. Doll did not acknowledge that the petition of discipline was filed within 30 days of his conviction in Williamson County Circuit Court and that the

proceedings were substantially delayed as a result of Mr. Doll's request to postpone the proceeding while the Appellate Courts reviewed the convictions.

Both the board and the panel agreed to allow that to occur and, therefore, hearing on the Petition for Discipline was not scheduled until after the Tennessee Supreme Court issued its order denying the application for Rule 11 relief.

Therefore, this factor does not apply as mitigating factor.

- k. The imposition of other penalties or sanctions. The panel finds that there are no other penalties or sanctions that would apply to this cause since the punishment he received in the criminal matter is not a type of penalty or sanction which should act as mitigating factor and, therefore, the factor does not apply.
- l. No testimony or evidence was offered by Mr. Doll as to the issue of his remorse and, therefore, this factor does not apply.
- m. The remoteness of prior offenses, which the Panel finds does not apply.

Mr. Doll further argue that the punishment of disbarment was not proportionate when considering discipline imposed upon a fellow lawyer in a disciplinary proceeding that concluded in the late summer of 2021. In the referenced matter, the other lawyer was accused of forging or presenting a client's forged signature to a Bankruptcy Court. However, there has been no proof offered by Mr. Doll that other attorney was charged or convicted of any criminal act. Further, the Board has argued that the panel is not permitted to consider the proportionality of the punishment in these proceedings, as set out under the authority of Bd of Professional Responsibility on the Supreme Court of Tennessee v. Cowan 388 S.W.3d 264, (Tenn.2012).

CONCLUSION

WHEREFORE, the hearing panel finds as follows:

12. The Respondent, Robert Allen Doll III, was convicted of three felony offenses including two acts of subornation of aggravated perjury on May 17th, 2017. The conviction of such acts, particularly of acts of subornation of aggravated perjury, cuts through the very heart of the judicial system and cannot be minimized in anyway.
13. Disbarment is the presumptive punishment for such convictions.
14. The aggravating circumstances listed and discussed above outweigh any mitigating circumstance offered by Mr. Doll. The panel recommends that Mr. Doll be disbarred, and based upon the request of the Board; said disbarment shall be retroactive to the date of Mr. Doll's summary suspension on May 31, 2017.

Respectfully submitted,

s/Stanley A. Kweller

Stanley A. Kweller, Chair

s/Daniel C. Todd

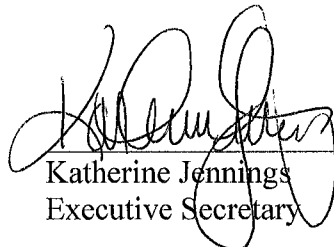
Daniel C. Todd

s/Jennifer Sheppard

Jennifer Sheppard

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been sent to Respondent, Robert Allen Doll, III, c/o Peter J. Strianse, Counsel, 500 11th Avenue North, Suite 600, Nashville, TN 37203, by U.S. First Class Mail, and hand-delivered to Joseph K. Byrd, Disciplinary Counsel, on this the 1st day of December 2021.


Katherine Jennings
Executive Secretary

NOTICE

This judgment may be appealed by filing a Petition for Review in the appropriate Circuit or Chancery Court in accordance with Tenn. Sup. Ct. R. 9, § 33.