



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

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RELEASE OF INFORMATION
RE: MATTHEW DAVID DUNN, BPR #030759
CONTACT: A. RUSSELL WILLIS
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

October 8, 2019

WILLIAMSON COUNTY LAWYER SUSPENDED

On October 8, 2019, the Supreme Court of Tennessee entered an order suspending Matthew David Dunn from the practice of law for a period of five (5) years, with a minimum of three (3) years to be served as an active suspension, pursuant to Tennessee Supreme Court Rule 9, Section 12.2, and the remaining two (2) years to be served on probation, pursuant to Tennessee Supreme Court Rule 9, Section 14.1; and payment to the Board for all costs in the disciplinary proceeding.

A Hearing Panel found Mr. Dunn knowingly and intentionally failed to diligently respond to discovery requests; failed to respond to motions filed by opposing counsel; failed to comply with discovery obligations set forth in the Rules of Civil Procedure; failed to appear for scheduled court hearings; and failed to take any action to set aside the dismissal of his client's case. The Panel determined Mr. Dunn's lack of diligence resulted in the dismissal of his client's case with prejudice, and thereafter, Mr. Dunn failed to promptly inform his client of the dismissal of her action. The Panel further found Mr. Dunn knowingly and intentionally took advantage of his personal relationship with his client and her circumstances to pressure the client to settle her legal malpractice claim and withdraw her disciplinary complaint. Finally, the Panel found Mr. Dunn misled the Board to believe his client had accepted his offer to compensate her for the loss of her action.

Mr. Dunn is guilty of violating Rules of Professional Conduct (RPC) 1.3 (diligence), 1.4 (communication), 1.8(h)(2) (conflict of interest), 3.2 (expediting litigation), 3.4(c) and (d) (fairness to opposing party/counsel), 8.1(a) (disciplinary matters), and 8.4(a), (c), and (d) (misconduct).

Mr. Dunn must comply with the requirements of Tennessee Supreme Court Rule 9, Sections 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED

10/08/2019

Clerk of the
Appellate Courts

IN RE: MATTHEW DAVID DUNN, BPR #030759

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

No. M2019-01751-SC-BAR-BP
BOPR No. 2018-2825-6-AW

ORDER OF ENFORCEMENT

This matter is before the Court upon a Petition for Discipline filed against Matthew David Dunn on February 5, 2018; upon a Motion for Default Judgment and that Charges in Petition be Deemed Admitted filed April 30, 2018; upon an Order for Default Judgment entered May 9, 2018; upon a Notice of Hearing filed May 23, 2018, and the trial of the matter on June 1, 2018; upon a Motion to Alter and Amend or, In the Alternative, for Rehearing filed June 13, 2018; upon a Memorandum in Support of Motion to Alter and Amend or, In the Alternative, for Rehearing filed June 27, 2018; upon an Order on Motion to Alter and Amend or, In the Alternative, For Rehearing entered August 6, 2018; upon a Motion for Sanctions and to Renew Default Judgment filed April 16, 2019; upon an Order on Motion for Sanctions and Renew Default entered May 15, 2019; upon service of the Findings of Fact and Conclusions of Law on Mr. Dunn on June 13, 2019; upon Application for Assessment of Costs filed June 26, 2019; upon Findings and Judgment of Assessment of Costs filed July 16, 2019; upon service of the Findings and Judgment of Assessment of Costs on Mr. Dunn on July 16, 2019; upon consideration and approval by the Board on September 20, 2019, and expiration of the appeal period with no appeal taken by Mr. Dunn; and upon the entire record in this cause.

From all of which the Court approves the judgment of the Hearing Panel and adopts its Findings of Fact and Conclusion of Law as the Court's Order.

On February 14, 2019, Mr. Dunn was temporarily suspended by this Court, pursuant to Tenn. Sup. Ct. R. 9, § 12.3 (Case No. M2019-00289-SC-BAR-BP). By this Order, the temporary suspension shall be dissolved.

IT IS, THEREFORE, CONSIDERED, ORDERED, ADJUDGED AND DECREED BY THE COURT THAT:

(1) Matthew David Dunn is suspended from the practice of law, pursuant to Tenn. Sup. Ct. R. 9, § 12.2, for a period of five (5) years with a minimum of three (3) years to be served as an active suspension and the remaining two (2) years, upon reinstatement by the Supreme Court, to be served on probation pursuant to Tenn. Sup. Ct. R. 9, § 14. The grant of probation is conditioned upon:

- (a) Mr. Dunn engaging a practice monitor in accordance with Tenn. Sup. Ct. R. 9, § 12.9, to review the office management practices of Mr. Dunn and address any deficiencies related to reasonable, timely and meaningful communications; timely preparation and filing of pleadings with the appropriate tribunal or agency; and reasonable and timely instigation and resolution of litigation cases. The practice monitor shall submit monthly reports to the Board.
- (b) Mr. Dunn obtaining ten (10) hours of additional ethics CLE over and above the fifteen (15) hours required each year during his five (5) year suspension.
- (c) Mr. Dunn contacting the Tennessee Lawyers Assistance Program (TLAP) within thirty (30) days of the effective date of his suspension for evaluation, enter into any monitoring agreement recommended by TLAP and complete the monitoring agreement to the satisfaction of TLAP.
- (d) Mr. Dunn incurring no new complaints of misconduct related to conduct occurring during the period of suspension and probation which results in the recommendation by the Board that discipline be imposed.

(2) In the event Mr. Dunn fails to meet any condition of probation, which results in the revocation of probation, Mr. Dunn shall be required to actively serve the entirety of the five (5) year suspension.

(3) Prior to seeking reinstatement, Mr. Dunn must have met all CLE requirements; have remitted all outstanding registration fees and outstanding professional privilege taxes, including those due from the date of this suspension until the date of reinstatement; and have remitted all court costs and Board costs in this matter.

(4) Additionally, Mr. Dunn shall comply in all aspects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

(5) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Dunn, shall pay to the Board of Professional Responsibility the expenses and costs of this matter in the amount of \$3,443.67, and shall pay to the Clerk of this Court the costs incurred herein, within ninety (90) days of the entry of this Order, for which execution may issue if necessary.

(6) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1, this Order shall be effective upon entry.

(7) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 28.11.

PER CURIAM