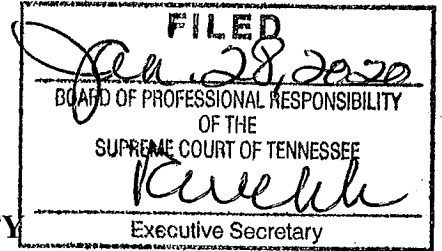


**IN DISCIPLINARY DISTRICT VI
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**



**IN RE: MATTHEW DAVID DUNN,
BPR No. 030759, Respondent,
an Attorney Licensed to
Practice Law in Tennessee
(Williamson County)**

DOCKET NO. 2019-3033-6-TL

FINDINGS OF FACT AND CONCLUSIONS OF LAW

STATEMENT OF THE CASE

1. This is a disciplinary proceeding against Matthew David Dunn, an attorney licensed to practice law in Tennessee in 2012.
2. On February 14, 2019, Mr. Dunn's law license was temporarily suspended.
3. On June 13, 2019, Mr. Dunn's law license was suspended for a period of five (5) years.
4. A Petition for Discipline was filed against Mr. Dunn on August 22, 2019.
5. Mr. Dunn failed to respond to the petition, and his deadline for doing so has passed.
6. On November 6, 2019, this Hearing Panel entered an Order for Default Judgment.
7. As a result of the Order for Default Judgment, all allegations in the Petition for Discipline have been deemed admitted pursuant to Tenn. Sup. Ct. R. 9 § 15.2(b).
8. A hearing was held on December 4, 2019 for the purpose to determine the

discipline to be imposed against Mr. Dunn. The Hearing Panel was composed of James W. Milam, Hearing Panel Chair, Brandon McWherter and Philip Edward Schell. The Board was represented by Travis M. Lampley. Mr. Dunn failed to appear for the trial.

FINDINGS OF FACT

9. The evidence presented to the Hearing Panel, along with the admissions by Mr. Dunn due to failing to respond to the Petition, established the following facts:

10. The Respondent, Matthew David Dunn, is an attorney admitted by the Supreme Court of Tennessee to practice law in the State of Tennessee. Mr. Dunn's last known address as registered with the Board of Professional Responsibility is 701 Murfreesboro Road, Franklin, Tennessee, being in Disciplinary District VI. Mr. Dunn was licensed to practice law in Tennessee in 2012, and his Board of Professional Responsibility number is 030759.

11. Mr. Dunn was temporarily suspended by the Supreme Court on February 14, 2019.

12. On June 13, 2019, Mr. Dunn was suspended by the Supreme Court for a period of five (5) years.

13. On August 22, 2019, the Board filed a Petition for Discipline against Mr. Dunn.

14. On October 29, 2019, the Board filed its Motion for Default.

15. On November 6, 2019, the Hearing Panel entered its Order for Default Judgment. As a consequence of Mr. Dunn's failure to respond, all of the facts outlined below in the Petition for Discipline have been admitted.

File No. 59743c-6-KB – Dennis Renzelman and Kelly Renzelman

16. On February 4, 2018, the Board forwarded a complaint to Mr. Dunn from Dennis Renzelman and Kelly Renzelman, requesting his response.

17. Mr. Dunn did not respond to the complaint.
18. MRC Group, LLC is a brokering agency for individuals that seek to terminate timeshare obligations.
19. Mr. Dunn was an approved attorney for MRC Group, LLC.
20. Mr. and Mrs. Renzelman paid MRC Group, LLC Four Thousand Three Hundred Thirty-Five Dollars (\$4,335.00) to assist with the cancellation of their timeshare.
21. MRC Group, LLC transferred Mr. and Mrs. Renzelman's file to Mr. Dunn.
22. MRC Group, LLC is not listed as an intermediary organization that has properly registered with the Board of Professional Responsibility.
23. Other than mailing a form letter to the timeshare company, Mr. Dunn took no further action to represent them in the matter.
24. Mr. Dunn did not notify Mr. and Mrs. Renzelman that he had been suspended.
25. Mr. Dunn abandoned Mr. and Mrs. Renzelman and their case.
26. Mr. Dunn failed to return Ms. Renzelman's telephone calls or otherwise reasonably communicate with Mr. and Mrs. Renzelman.
27. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.
28. Mr. Dunn violated RPC 1.5 (a) by charging an excessive fee.
29. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.
30. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct) and (g) (knowingly violating his obligations set forth in the Order of Temporary Suspension).

File No. 59750-6-KB – Kimberly Wright

31. On February 19, 2019, the Board forwarded a complaint from Kimberly Wright

to Mr. Dunn, requesting his response.

32. Mr. Dunn did not respond to the complaint.

33. On June 14, 2017, Ms. Wright retained The Dunn Law Firm to represent her in a claim against Marriott hotel in connection with the theft of her watch.

34. Mr. Dunn assigned Ms. Wright's case to an associate in his office.

35. The associate resigned from Mr. Dunn's office before any substantive action was taken in Ms. Wright's case.

36. After the departure of the associate, Ms. Wright's case was reassigned to Mr. Dunn.

37. Mr. Dunn failed to respond to Ms. Wright's emails and telephone calls.

38. Mr. Dunn did not notify Ms. Wright that he had been suspended.

39. Mr. Dunn abandoned Ms. Wright and her case.

40. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his client and communicate with her about her case.

41. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

42. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct) and (g) (knowingly violating his obligations set forth in the Order of Temporary Suspension).

File No. 60105-6-KB – Robert Fogarty and Beth Fogarty

43. On March 5, 2019, the Board forwarded a complaint from Mr. and Mrs. Fogarty to Mr. Dunn, requesting his response.

44. Mr. Norris did not respond to the complaint.

45. MRC Group, LLC is a brokering agency for individuals that seek to terminate timeshare obligations.

46. Mr. Dunn was an approved attorney for MRC Group, LLC.
47. Mr. and Mrs. Fogarty paid MRC Group, LLC Four Thousand Five Hundred Dollars (\$4,500.00) to assist with the cancellation of their timeshare.
48. MRC Group, LLC transferred Mr. and Mrs. Fogarty's file to Mr. Dunn.
49. MRC Group, LLC is not listed as an intermediary organization that has properly registered with the Board of Professional Responsibility.
50. Other than mailing a form letter to the timeshare company, Mr. Dunn took no further action to represent them in the matter.
51. Mr. Dunn did not notify Mr. and Mrs. Fogarty that he had been suspended.
52. Mr. Dunn abandoned Mr. and Mrs. Fogarty and their case.
53. Mr. Dunn failed to return Mr. and Mrs. Fogarty telephone calls or otherwise reasonably communicate with them.
54. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.
55. Mr. Dunn violated RPC 1.5 (a) by charging an excessive fee.
56. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.
57. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct) and (g) (knowingly violating his obligations set forth in the Order of Temporary Suspension).

File No. 54933-6-KB – Mary Eden and Tom Farmer c/o James Johnson, Esq.

58. On November 21, 2017, the Board forwarded a complaint from Mary Eden and Tom Farmer to Mr. Dunn requesting his response.
59. On December 20, 2017, Mr. Dunn responded to the complaint.
60. Mr. Dunn provided supplemental responses to the Board on February 6, 2018 and

February 22, 2018.

61. On May 12, 2016, Mr. Dunn agreed to represent Mary Eden and Tom Farmer in an estate matter.

62. Ms. Eden and Mr. Farmer paid Mr. Dunn \$5,000.00 for the representation in the estate matter.

63. Ms. Eden and Mr. Farmer paid Mr. Dunn an additional \$5,000.00 to defend them in a civil proceeding filed against them by other heirs in the estate action.

Ms. Eden paid Mr. Dunn an additional \$15,000.00 to represent her in a dispute involving her company, Conveyor Systems, Inc.

64. Ms. Eden and Mr. Farmer paid Mr. Dunn an additional \$10,000.00 to represent them in a professional malpractice action against a former attorney.

65. Mr. Dunn drafted and filed a professional malpractice action on behalf of Ms. Eden and Mr. Farmer against Clyde Richert and his law firm.

The professional malpractice action was voluntarily non-suited shortly thereafter, and the action was never refiled by Mr. Dunn.

66. Mr. Dunn knowingly induced Ms. Eden and Mr. Farmer into retaining him to file a legal malpractice claim that had no merit.

Mr. Dunn drafted and filed a Motion for Summary Judgment in the civil action filed by the remaining heirs.

67. Mr. Dunn was unprepared to argue the motion or respond to questions from the

Judge during the hearing, which led to the motion for summary judgment being denied.

Mr. Dunn routinely overbilled Ms. Eden and Mr. Farmer several thousands of dollars for scanning and filing documents.

68. Mr. Dunn billed for the services of his wife, bookkeeper, assistant, and a third-year law student at unreasonable rates that were not disclosed to the clients.

Mr. Dunn failed to communicate with Ms. Eden and Mr. Farmer and failed to respond to their telephone calls and emails.

69. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.

70. Mr. Dunn violated RPC 1.5 (a) by charging an excessive fee.

71. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

72. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 55930-6-KB – Pamela Khazideh

73. On March 22, 2018, the Board forwarded a complaint from Pamela Khazideh to Mr. Dunn requesting his response.

74. On April 15, 2018, Mr. Dunn responded to the complaint.

75. In June 2016, Mr. Dunn agreed to represent Ms. Khazideh in a divorce action after her original attorney passed away.

76. Ms. Khazideh paid Mr. Dunn \$4,000.00 for the representation in the finalization of her divorce.

77. Mr. Dunn assigned Ms. Khazideh's case to an associate in his firm.

78. Very little work was performed on Ms. Khazideh's case, and the Court sent notice that the case would be dismissed if it was not set for hearing within 30 days.

79. The associate filed a Motion to Set, however, the motion was continued and never heard by the Court.

80. In November 2017, the associate handling Ms. Khazideh's case terminated his employment with Mr. Dunn's law firm.

81. The associate declined to continue representing Ms. Khazideh after he left Mr. Dunn's firm.

82. Ms. Khazideh's case was subsequently dismissed for failure to prosecute.

83. Mr. Dunn failed to adequately communicate with Ms. Khazideh throughout the course of representation.

84. Mr. Dunn did not perform any legal services on behalf of Ms. Khazideh.

85. Mr. Dunn failed to adequately supervise the associate attorney of which he had direct supervisory authority over.

86. Mr. Dunn failed to return Ms. Khazideh's file to her and has ignored her requests to do so.

87. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.

88. Mr. Dunn violated RPC 1.5 (a) by charging an excessive fee.

89. Mr. Dunn violated RPC 5.1 by failing to make reasonable efforts to ensure that his associate conformed to the Rules of Civil Procedure.

90. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

91. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 57045-6-KB – Leighton Linning, Esq.

92. By letter dated May 11, 2018, the Board forwarded a complaint filed by Leighton Linning, Esq. to Mr. Dunn.

93. Mr. Dunn responded to Mr. Linning's complaint on June 10, 2018.

94. On March 5, 2018, multiple attorneys and staff terminated their employment with Mr. Dunn and his law firm.

95. Mr. Linning instructed Mr. Dunn to remove his biographical information from the Dunn Law Firm website.

96. Mr. Dunn took no action in removing Mr. Linning's biographical information from his website until contacted by Disciplinary Counsel.

97. Mr. Dunn violated RPC 7.1 by making a false or misleading communication about a lawyer or the lawyer's services.

98. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 57220c-6-KB – Sherreese Dones

99. On August 13, 2018, the Board forwarded a complaint from Sherreese Dones to Mr. Dunn requesting his response.

100. On August 22, 2018, Mr. Dunn responded to the complaint.

101. Mr. Dunn further responded to the complaint on October 24, 2018.

102. On March 13, 2017, Mr. Dunn agreed to represent Ms. Dones in a divorce action.

103. Ms. Dones paid Mr. Dunn \$3,000.00 for the representation in her divorce.

104. Mr. Dunn assigned Ms. Dones' case to an associate in his firm.

105. Very little work was performed on Ms. Dones' case before the associate terminated his employment with Mr. Dunn's law firm.

106. Ms. Dones' case was reassigned to another associate who also terminated his employment with the Mr. Dunn's law firm before any substantive work was performed in Ms. Dones' case.

107. Ms. Dones made numerous attempts to contact Mr. Dunn.

108. Mr. Dunn failed to respond to Ms. Dones' emails and telephone calls.

109. Mr. Dunn's billing statements did not reflect any payments made by Ms. Dones.

110. Mr. Dunn's billing statements included time entries for non-lawyer assistants which exceeded the rates set forth in Mr. Dunn's retainer agreement.

111. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.

112. Mr. Dunn violated RPC 1.5 (a) by charging an excessive fee.

113. Mr. Dunn violated RPC 5.1 by failing to make reasonable efforts to ensure that his associate conformed to the Rules of Civil Procedure.

114. Mr. Dunn violated RPC 5.3 by failing to make reasonable efforts to ensure that a nonlawyer assistant conduct was compatible with the Rules of Professional Conduct.

115. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 57244c-6-KB – Temesghen Kahsay

116. On June 1, 2018, the Board forwarded a complaint from Temesghen Kahsay to Mr. Dunn requesting his response.

117. On June 27, 2018, Mr. Dunn responded to the complaint.

118. On April 21, 2016, Mr. Dunn agreed to represent Mr. Kahsay throughout an arson investigation and to negotiate a settlement with his insurance company.

119. Mr. Kahsay paid Mr. Dunn \$5,000.00 for the representation.

120. Mr. Dunn assigned Ms. Kahsay's case to an associate in his firm.
121. The associate mailed a demand letter to the insurance company in Ms. Kahsay's case, and shortly thereafter terminated his employment with Mr. Dunn's law firm.
122. After the associate left the firm, Mr. Dunn took over the handling of Mr. Kahsay's case.
123. Mr. Kahsay made numerous attempts to contact Mr. Dunn.
124. Mr. Dunn failed to respond to Mr. Kahsay's emails and telephone calls.
125. The insurance company extended a settlement offer in Mr. Kahsay's case that was never communicated to Mr. Kahsay.
126. Mr. Kahsay terminated Mr. Dunn and requested his client file. Mr. Dunn did not return the client file to Mr. Kahsay.
127. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.
128. Mr. Dunn violated RPC 1.16 by not properly surrendering papers and property to which the client was entitled upon being terminated by the client.
129. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 57422c-6-KB – Diane Mitchell

130. On August 30, 2018, the Board forwarded a complaint from Diane Mitchell to Mr. Dunn requesting his response.
131. On November 13, 2018, Mr. Dunn responded to the complaint.
132. On April 4, 2018, Mr. Dunn met with Ms. Mitchell and Robert Blakey to discuss the possibility of Mr. Dunn representing David Johnson on the charge of murder.
133. Mr. Dunn quoted a \$50,000.00 retainer and requested that \$10,000.00 be paid

before any legal work would begin in the matter.

134. Ms. Mitchell paid \$6,500.00 towards the initial payment to Mr. Dunn.

135. Ms. Mitchell and Mr. Blakey decided to no longer pursue representation on behalf of David Johnson and requested Mr. Dunn refund the fees paid to him.

136. Mr. Dunn had incurred no significant expenses in Mr. Johnson's case.

137. Mr. Dunn had not performed any legal work on behalf of Mr. Johnson.

138. Mr. Dunn violated RPC 1.5 (a) by charging an excessive fee.

139. Mr. Dunn violated RPC 1.16 by not promptly refunding any advance payment of fees that have not been earned or expenses that have not been incurred.

140. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 57792-6-KB – Christina Cottles

141. On July 16, 2018, the Board forwarded a complaint from Christina Cottles to Mr. Dunn requesting his response.

142. On August 7, 2018, Mr. Dunn responded to the complaint.

143. On September 11, 2018, Ms. Cottles retained Mr. Dunn to assist her in being substituted as conservator over her disabled sister.

144. Ms. Cottles paid Mr. Dunn \$1,040.00 for the representation.

145. Mr. Dunn assigned Ms. Cottles' case to an associate in his firm.

146. The associate contacted the conservator who agreed to execute an agreed order substituting Ms. Cottles as conservator.

147. No further legal work was performed before the associate terminated his employment with Mr. Dunn's law firm.

148. After the associate left the firm, Mr. Dunn assigned Ms. Cottles' case to another

associate in his firm.

149. No legal work was performed by this associate before the associate terminated his employment with Mr. Dunn's law firm.

150. Ms. Cottles made numerous attempts to contact Mr. Dunn.

151. Mr. Dunn failed to respond to Ms. Cottles' emails and telephone calls.

152. Approximately six months after being retained, Mr. Dunn contacts Ms. Cottles and offers to resolve her case personally.

153. On November 30, 2018, Disciplinary Counsel requested that Mr. Dunn explain efforts he made to ensure that all lawyers in his firm conformed with their ethical obligations, and to explain the significant gaps of time when Mr. Dunn was primarily responsible for Ms. Cottles' case.

154. Mr. Dunn failed to respond to Disciplinary Counsel's inquiries.

155. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.

156. Mr. Dunn violated RPC 5.1 by failing to make reasonable efforts to ensure that his associate conformed to the Rules of Civil Procedure.

157. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

158. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 58111-6-KB – Kim Binkley

159. On August 13, 2018, the Board forwarded a complaint from Kim Binkley to Mr. Dunn requesting his response.

160. On October 3, 2018, Mr. Dunn responded to the complaint.

161. On December 14, 2015, Ms. Binkley retained Mr. Dunn to assist her in having a

QDRO entered by the court.

162. Ms. Cottles paid Mr. Dunn \$2,000.00 for the representation.

163. Mr. Dunn assigned Ms. Binkley's case to an associate in his firm.

164. The associate filed a civil contempt action against Ms. Binkley's former husband.

165. No further substantive legal work was performed by the associate prior to terminating his employment with Mr. Dunn's law firm.

166. After the associate left the firm, Mr. Dunn assigned Ms. Binkley's case to another associate in his firm.

167. No legal work was performed by this associate before the associate terminated his employment with Mr. Dunn's law firm.

168. Ms. Binkley made numerous attempts to contact Mr. Dunn for over 1 year.

169. Mr. Dunn failed to respond to Ms. Binkley's emails and telephone calls.

170. Mr. Dunn inflated his billing statements and recorded legal services which were never performed in Ms. Binkley's case.

171. Mr. Dunn has not taken appropriate action to withdraw from Ms. Binkley's case.

172. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.

173. Mr. Dunn violated RPC 1.16 by not properly or promptly withdrawing from Ms. Binkley's case.

174. Mr. Dunn violated RPC 3.2 by failing to make reasonable efforts to expedite Ms. Binkley's case.

175. Mr. Dunn violated RPC 5.1 by failing to make reasonable efforts to ensure that his associate conformed to the Rules of Civil Procedure.

176. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 58389-6-KB – Terry Palmer

177. On September 27, 2018, the Board forwarded a complaint from Terry Palmer to Mr. Dunn requesting his response.

178. On November 8, 2018, Mr. Dunn responded to the complaint.

179. On July 25, 2017, Mr. Palmer retained Mr. Dunn to represent him in an appeal and filing a legal malpractice case.

180. An associate in Mr. Dunn's firm filed various motions in the appeal case, all of which were denied by the court.

181. Subsequently, the associate terminated his employment with Mr. Dunn's law firm.

182. Mr. Dunn filed a Notice of Appeal in Mr. Palmer's case.

183. The appellate court issued an order declining to approve the Statement of Evidence that was filed because it failed to conform to Tenn. R. App. P. 24(c).

184. The Court of Appeals issued an order indicating that an appellant's brief had not been filed, nor had an extension of time for doing so been requested and ordered that the appellant's brief be filed within 10 days.

185. Mr. Dunn took no action and the appellant's brief was not filed.

186. The opposing party filed a Motion to Dismiss and Motion to Award Damages for a Frivolous Appeal.

187. Mr. Dunn took no action on the motions.

188. The Court of Appeals remanded the case to the trial court to determine damages.

189. Mr. Dunn, nor his client, appeared at the court hearing to determine damages.

190. Mr. Dunn assigned Ms. Binkley's case to an associate in his firm.

191. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.

192. Mr. Dunn violated RPC 1.16 by not properly or promptly withdrawing from Ms. Binkley's case.

193. Mr. Dunn violated RPC 3.2 by failing to make reasonable efforts to expedite Ms. Binkley's case.

194. Mr. Dunn violated RPC 3.4(c) by knowingly disobeying an obligation under the rules of a tribunal.

195. Mr. Dunn violated RPC 5.1 by failing to make reasonable efforts to ensure that his associate conformed to the Rules of Civil Procedure.

196. Mr. Dunn's conduct violated RPC 8.4 (a) and (d) (misconduct).

File No. 58960-6-KB – Joseph Ashley-Ricketts

197. On December 27, 2018, the Board forwarded a complaint from Joseph Ashley-Ricketts to Mr. Dunn requesting his response.

198. Mr. Dunn failed to respond to the complaint.

199. On June 26, 2017, Mr. Ricketts retained Mr. Dunn to attempt to relieve him of certain criminal probation restrictions.

200. Mr. Ricketts paid Mr. Dunn \$2,600.00 for the representation.

201. Mr. Dunn assigned Ms. Binkley's case to an associate in his firm.

202. No substantive legal work was performed by the associate prior to terminating his employment with Mr. Dunn's law firm.

203. No pleadings were filed by Mr. Dunn or any of his associates in Mr. Ricketts'

case.

204. After the associate left the firm, Mr. Dunn assigned Ms. Binkley's case to another associate in his firm.

205. Mr. Ricketts made numerous attempts to contact Mr. Dunn.

206. Mr. Dunn failed to respond to Mr. Ricketts' emails and telephone calls.

207. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.

208. Mr. Dunn violated RPC 1.5 by charging a clearly excessive fee in relation to the amount of legal work performed.

209. Mr. Dunn violated RPC 5.1 by failing to make reasonable efforts to ensure that his associate conformed to the Rules of Civil Procedure.

210. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

211. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 59065c-6-KB – Debbie Pearson

212. On November 16, 2018, the Board forwarded a complaint to Mr. Dunn from Debbie Pearson, requesting his response.

213. Mr. Dunn did not respond to the complaint.

214. MRC Group, LLC is a brokering agency for individuals that seek to terminate timeshare obligations.

215. Mr. Dunn was an approved attorney for MRC Group, LLC.

216. Ms. Pearson paid MRC Group, LLC Three Thousand Seven Hundred Dollars (\$3,700.00) to assist with the cancellation of their timeshare.

217. MRC Group, LLC transferred Ms. Pearson's file to Mr. Dunn.

218. MRC Group, LLC is not listed as an intermediary organization that has properly registered with the Board of Professional Responsibility.

219. Other than mailing a form letter to the timeshare company, Mr. Dunn took no further action to represent them in the matter.

220. Mr. Dunn abandoned Ms. Pearson and her case.

221. Mr. Dunn failed to return Ms. Pearson's telephone calls or otherwise reasonably communicate with Ms. Pearson.

222. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.

223. Mr. Dunn violated RPC 1.5 (a) by charging an excessive fee.

224. Mr. Dunn violated RPC 5.4(a) by sharing legal fees with a nonlawyer.

225. Mr. Dunn violated RPC 7.6 by seeking and accepting referrals from an intermediary organization that has not registered with the Board of Professional Responsibility.

226. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

227. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 59080c-6-KB – Adam Russell, Esq.

228. On November 16, 2018, the Board forwarded a complaint to Mr. Dunn from Adam Russell, Esq. on behalf of Billy and Geneva Woodbury, requesting his response.

229. Mr. Dunn did not respond to the complaint.

230. MRC Group, LLC is a brokering agency for individuals that seek to terminate timeshare obligations.

231. Mr. Dunn was an approved attorney for MRC Group, LLC.

232. Mr. and Mrs. Woodbury paid MRC Group, LLC Three Thousand Dollars

(\$3,000.00) to assist with the cancellation of their timeshare.

233. MRC Group, LLC transferred Mr. and Mrs. Woodbury's file to Mr. Dunn.

234. MRC Group, LLC is not listed as an intermediary organization that has properly registered with the Board of Professional Responsibility.

235. Other than mailing a form letter to the timeshare company, Mr. Dunn took no further action to represent them in the matter.

236. Mr. Dunn abandoned Mr. and Mrs. Woodbury and their case.

237. Mr. Dunn failed to return Mr. and Mrs. Woodbury's telephone calls or otherwise reasonably communicate with them.

238. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.

239. Mr. Dunn violated RPC 1.5 (a) by charging an excessive fee.

240. Mr. Dunn violated RPC 5.4(a) by sharing legal fees with a nonlawyer.

241. Mr. Dunn violated RPC 7.6 by seeking and accepting referrals from an intermediary organization that has not registered with the Board of Professional Responsibility.

242. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

243. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 59225-6-KB – Board of Professional Responsibility

244. On November 29, 2018, the Board forwarded a complaint relating to his representation of Yodelkis Contreras and Shane Evans Vincent to Mr. Dunn requesting his response.

245. Mr. Dunn failed to respond to the complaint.

246. Mr. Dunn failed to file appellant briefs for either client despite several notices and

orders of the court directing him to do so.

247. Mr. Dunn ignored an order to appear before a panel on the issue of whether he should be held in contempt of court.

248. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.

249. Mr. Dunn violated RPC 1.16 by failing to properly and promptly withdrawing from representation of clients.

250. Mr. Dunn violated RPC 3.2 by failing to expedite litigation for his clients.

251. Mr. Dunn violated RPC 3.4(c) by disobeying an obligation under the rules of a tribunal.

252. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

253. Mr. Dunn's conduct violated RPC 8.4 (a) and (d) (misconduct).

File No. 59314-6-KB – Peter Graham

254. On December 10, 2018, the Board forwarded a complaint to Mr. Dunn from Peter Graham requesting his response.

255. Mr. Dunn did not respond to the complaint.

256. MRC Group, LLC is a brokering agency for individuals that seek to terminate timeshare obligations.

257. Mr. Dunn was an approved attorney for MRC Group, LLC.

258. Mr. Graham paid MRC Group, LLC Two Thousand Five Hundred Dollars (\$2,500.00) to assist with the cancellation of his timeshare.

259. MRC Group, LLC transferred Mr. Graham's file to Mr. Dunn.

260. MRC Group, LLC is not listed as an intermediary organization that has properly

registered with the Board of Professional Responsibility.

261. Other than mailing a form letter to the timeshare company, Mr. Dunn took no further action to represent him in the matter.

262. Mr. Dunn abandoned Mr. Graham and his case.

263. Mr. Dunn failed to return Mr. Graham's telephone calls or otherwise reasonably communicate with Mr. Graham.

264. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.

265. Mr. Dunn violated RPC 1.5 (a) by charging an excessive fee.

266. Mr. Dunn violated RPC 5.4(a) by sharing legal fees with a nonlawyer.

267. Mr. Dunn violated RPC 7.6 by seeking and accepting referrals from an intermediary organization that has not registered with the Board of Professional Responsibility.

268. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

269. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 59322-6-KB – Pauline Copeland

270. On December 12, 2018, the Board forwarded a complaint to Mr. Dunn from Pauline Copeland requesting his response.

271. Mr. Dunn did not respond to the complaint.

272. MRC Group, LLC is a brokering agency for individuals that seek to terminate timeshare obligations.

273. Mr. Dunn was an approved attorney for MRC Group, LLC.

274. Ms. Copeland paid MRC Group, LLC Four Thousand Dollars (\$4,000.00) to assist with the cancellation of her timeshare.

275. MRC Group, LLC transferred Mrs. Copeland's file to Mr. Dunn.
276. MRC Group, LLC is not listed as an intermediary organization that has properly registered with the Board of Professional Responsibility.
277. Other than mailing a form letter to the timeshare company, Mr. Dunn took no further action to represent her in the matter.
278. Mr. Dunn abandoned Ms. Copeland and her case.
279. Mr. Dunn failed to return Ms. Copeland's telephone calls or otherwise reasonably communicate with Ms. Copeland.
280. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.
281. Mr. Dunn violated RPC 1.5 (a) by charging an excessive fee.
282. Mr. Dunn violated RPC 5.4(a) by sharing legal fees with a nonlawyer.
283. Mr. Dunn violated RPC 7.6 by seeking and accepting referrals from an intermediary organization that has not registered with the Board of Professional Responsibility.
284. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.
285. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 59365-6-KB – Sandra Smit

286. On December 14, 2018, the Board forwarded a complaint to Mr. Dunn from Sandra Smit requesting his response.
287. Mr. Dunn did not respond to the complaint.
288. MRC Group, LLC is a brokering agency for individuals that seek to terminate timeshare obligations.
289. Mr. Dunn was an approved attorney for MRC Group, LLC.

290. Ms. Smit paid MRC Group, LLC Six Thousand Dollars (\$6,000.00) to assist with the cancellation of her timeshare.

291. MRC Group, LLC transferred Mrs. Smit's file to Mr. Dunn.

292. MRC Group, LLC is not listed as an intermediary organization that has properly registered with the Board of Professional Responsibility.

293. Other than mailing a form letter to the timeshare company, Mr. Dunn took no further action to represent her in the matter.

294. Mr. Dunn abandoned Ms. Smit and her case.

295. Mr. Dunn failed to return Ms. Smit's telephone calls or otherwise reasonably communicate with Ms. Copeland.

296. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.

297. Mr. Dunn violated RPC 1.5 (a) by charging an excessive fee.

298. Mr. Dunn violated RPC 5.4(a) by sharing legal fees with a nonlawyer.

299. Mr. Dunn violated RPC 7.6 by seeking and accepting referrals from an intermediary organization that has not registered with the Board of Professional Responsibility.

300. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

301. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 59385-6-KB – David Carter

302. On December 27, 2018, the Board forwarded a complaint to Mr. Dunn from David Carter requesting his response.

303. Mr. Dunn did not respond to the complaint.

304. MRC Group, LLC is a brokering agency for individuals that seek to terminate

timeshare obligations.

305. Mr. Dunn was an approved attorney for MRC Group, LLC.

306. Mr. Carter paid MRC Group, LLC Three Thousand Nine Hundred and Ninety-Five Dollars (\$3,995.00) to assist with the cancellation of her timeshare.

307. MRC Group, LLC transferred Mr. Carter's file to Mr. Dunn.

308. MRC Group, LLC is not listed as an intermediary organization that has properly registered with the Board of Professional Responsibility.

309. Other than mailing a form letter to the timeshare company, Mr. Dunn took no further action to represent him in the matter.

310. Mr. Dunn abandoned Mr. Carter and his case.

311. Mr. Dunn failed to return Mr. Carter's telephone calls or otherwise reasonably communicate with Mr. Carter.

312. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.

313. Mr. Dunn violated RPC 1.5 (a) by charging an excessive fee.

314. Mr. Dunn violated RPC 5.4(a) by sharing legal fees with a nonlawyer.

315. Mr. Dunn violated RPC 7.6 by seeking and accepting referrals from an intermediary organization that has not registered with the Board of Professional Responsibility.

316. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

317. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 59388-6-KB – Brian Horrocks

318. On December 19, 2018, the Board forwarded a complaint to Mr. Dunn from Brian Horrocks requesting his response.

319. Mr. Dunn did not respond to the complaint.
320. MRC Group, LLC is a brokering agency for individuals that seek to terminate timeshare obligations.
321. Mr. Dunn was an approved attorney for MRC Group, LLC.
322. Ms. Copeland paid MRC Group, LLC Three Thousand Dollars (\$3,000.00) to assist with the cancellation of his timeshare.
323. MRC Group, LLC transferred Ms. Horrocks' file to Mr. Dunn.
324. MRC Group, LLC is not listed as an intermediary organization that has properly registered with the Board of Professional Responsibility.
325. Other than mailing a form letter to the timeshare company, Mr. Dunn took no further action to represent him in the matter.
326. Mr. Dunn abandoned Mr. Horrocks and his case.
327. Mr. Dunn failed to return Mr. Horrocks' telephone calls or otherwise reasonably communicate with Mr. Horrocks.
328. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.
329. Mr. Dunn violated RPC 1.5 (a) by charging an excessive fee.
330. Mr. Dunn violated RPC 5.4(a) by sharing legal fees with a nonlawyer.
331. Mr. Dunn violated RPC 7.6 by seeking and accepting referrals from an intermediary organization that has not registered with the Board of Professional Responsibility.
332. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.
333. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 59400-6-KB – Felicita Morales

334. On January 14, 2019, the Board forwarded a complaint to Mr. Dunn from Felicitia Morales requesting his response.

335. Mr. Dunn did not respond to the complaint.

336. MRC Group, LLC is a brokering agency for individuals that seek to terminate timeshare obligations.

337. Mr. Dunn was an approved attorney for MRC Group, LLC.

338. Ms. Morales paid MRC Group, LLC Three Thousand Dollars (\$3,000.00) to assist with the cancellation of her timeshare.

339. MRC Group, LLC transferred Mrs. Morales' file to Mr. Dunn.

340. MRC Group, LLC is not listed as an intermediary organization that has properly registered with the Board of Professional Responsibility.

341. Other than mailing a form letter to the timeshare company, Mr. Dunn took no further action to represent her in the matter.

342. Mr. Dunn abandoned Ms. Morales and her case.

343. Mr. Dunn failed to return Ms. Morales' telephone calls or otherwise reasonably communicate with Ms. Morales.

344. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with her about her case.

345. Mr. Dunn violated RPC 1.5 (a) by charging an excessive fee.

346. Mr. Dunn violated RPC 5.4(a) by sharing legal fees with a nonlawyer.

347. Mr. Dunn violated RPC 7.6 by seeking and accepting referrals from an intermediary organization that has not registered with the Board of Professional Responsibility.

348. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

349. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 59503-6-KB – Lynn Hearl

350. On January 11, 2019, the Board forwarded a complaint to Mr. Dunn from Lynn Hearl requesting his response.

351. Mr. Dunn did not respond to the complaint.

352. MRC Group, LLC is a brokering agency for individuals that seek to terminate timeshare obligations.

353. Mr. Dunn was an approved attorney for MRC Group, LLC.

354. Ms. Hearl paid MRC Group, LLC Fourteen Thousand Four Hundred Ninety Dollars (\$14,490.00) to assist with the cancellation of her timeshare.

355. MRC Group, LLC transferred Ms. Hearl's file to Mr. Dunn.

356. MRC Group, LLC is not listed as an intermediary organization that has properly registered with the Board of Professional Responsibility.

357. Other than mailing a form letter to the timeshare company, Mr. Dunn took no further action to represent her in the matter.

358. Mr. Dunn abandoned Ms. Hearl and her case.

359. Mr. Dunn failed to return Ms. Hearl's telephone calls or otherwise reasonably communicate with Ms. Hearl.

360. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.

361. Mr. Dunn violated RPC 1.5 (a) by charging an excessive fee.

362. Mr. Dunn violated RPC 5.4(a) by sharing legal fees with a nonlawyer.

363. Mr. Dunn violated RPC 7.6 by seeking and accepting referrals from an

intermediary organization that has not registered with the Board of Professional Responsibility.

364. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

365. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 59586-6-KB – Claude Rosser

366. On January 11, 2019, the Board forwarded a complaint to Mr. Dunn from Claude Rosser requesting his response.

367. Mr. Dunn did not respond to the complaint.

368. MRC Group, LLC is a brokering agency for individuals that seek to terminate timeshare obligations.

369. Mr. Dunn was an approved attorney for MRC Group, LLC.

370. Mr. Rosser paid MRC Group, LLC Four Thousand Nine Hundred Ninety-Five Dollars (\$4,995.00) to assist with the cancellation of his timeshare.

371. MRC Group, LLC transferred Mr. Rosser's file to Mr. Dunn.

372. MRC Group, LLC is not listed as an intermediary organization that has properly registered with the Board of Professional Responsibility.

373. Other than mailing a form letter to the timeshare company, Mr. Dunn took no further action to represent him in the matter.

374. Mr. Dunn abandoned Mr. Rosser and his case.

375. Mr. Dunn failed to return Mr. Rosser's telephone calls or otherwise reasonably communicate with Mr. Rosser.

376. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.

377. Mr. Dunn violated RPC 1.5 (a) by charging an excessive fee.

378. Mr. Dunn violated RPC 5.4(a) by sharing legal fees with a nonlawyer.

379. Mr. Dunn violated RPC 7.6 by seeking and accepting referrals from an intermediary organization that has not registered with the Board of Professional Responsibility.

380. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

381. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 59680-6-KB – James Harper

382. On January 23, 2019, the Board forwarded a complaint from James Harper to Mr. Dunn requesting his response.

383. Mr. Dunn failed to respond to the complaint.

384. Mr. Harper retained Mr. Dunn to represent him in a personal injury claim against Bellsouth Telecommunications d/b/a AT&T Tennessee.

385. Mr. Dunn assigned Mr. Harper's case to an associate in his firm.

386. The associate did not aggressively prosecute Mr. Harper's case against AT&T Tennessee.

387. The associate terminated his employment at Mr. Dunn's law firm in November 2017.

388. After the associate left the firm, Mr. Dunn assigned Ms. Binkley's case to another associate in his firm.

389. No substantive work was performed in Mr. Harper's case prior to the second associate leaving Mr. Dunn's firm.

390. Mr. Harper made numerous attempts to contact Mr. Dunn.

391. Mr. Dunn failed to respond to Mr. Harper's emails and telephone calls.

392. A settlement offer in Mr. Harper's case was made by AT&T Tennessee, however,

this settlement offer was not communicated to Mr. Harper.

393. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.

394. Mr. Dunn violated RPC 5.1 by failing to make reasonable efforts to ensure that his associate conformed to the Rules of Civil Procedure.

395. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

396. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 59725-6-KB – Sharonda Lumpkin

397. On March 11, 2019, the Board forwarded a complaint from Sharonda Lumpkin to Mr. Dunn requesting his response.

398. Mr. Dunn failed to respond to the complaint.

399. On March 29, 2017, Ms. Lumpkin retained Mr. Dunn to represent her son in a criminal homicide case.

400. Ms. Lumpkin entered into a Twenty-Five Thousand Dollar (\$25,000.00) nonrefundable retainer payment plan with Mr. Dunn.

401. Ms. Lumpkin's payments became sporadic, and she ceased making payments in February 2018.

402. After the sentencing hearing, Mr. Dunn requested that he be relieved as attorney of record, and the Court appointed new counsel.

403. Mr. Dunn failed to provide Laron Lumpkins' new attorney a copy of the client file.

404. Mr. Dunn violated RPC 1.16(d) by failing to take practical steps to protect a client's interests after withdrawing from representation.

405. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

406. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 60109-6-KB – Nancy Eyre

407. On March 5, 2019, the Board forwarded a complaint to Mr. Dunn from Nancy Eyre requesting his response.

408. Mr. Dunn did not respond to the complaint.

409. MRC Group, LLC is a brokering agency for individuals that seek to terminate timeshare obligations.

410. Mr. Dunn was an approved attorney for MRC Group, LLC.

411. Ms. Eyre paid MRC Group, LLC Four Thousand Dollars (\$4,000.00) to assist with the cancellation of her timeshare.

412. MRC Group, LLC transferred Ms. Eyre's file to Mr. Dunn.

413. MRC Group, LLC is not listed as an intermediary organization that has properly registered with the Board of Professional Responsibility.

414. Other than mailing a form letter to the timeshare company, Mr. Dunn took no further action to represent her in the matter.

415. Mr. Dunn abandoned Ms. Eyre and her case.

416. Mr. Dunn failed to return Ms. Eyre's telephone calls or otherwise reasonably communicate with Ms. Eyre.

417. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.

- 418. Mr. Dunn violated RPC 1.5 (a) by charging an excessive fee.
- 419. Mr. Dunn violated RPC 5.4(a) by sharing legal fees with a nonlawyer.
- 420. Mr. Dunn violated RPC 7.6 by seeking and accepting referrals from an intermediary organization that has not registered with the Board of Professional Responsibility.
- 421. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.
- 422. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 60230-6-KB – Andrea Green, Esq. and Brett O'Leary

- 423. On June 14, 2019, the Board forwarded a complaint from Andrea Green and Brett O'Leary to Mr. Dunn requesting his response.
- 424. Mr. Dunn failed to respond to the complaint.
- 425. In December 2017, Mr. O'Leary retained Mr. Dunn to represent him in a criminal matter in Davidson County, Tennessee.
- 426. Mr. O'Leary paid an initial One Thousand Five Hundred Dollars (\$1,500.00) to Mr. Dunn and agreed to pay Three Hundred Dollars (\$300.00) per month until he had paid a total of Five Thousand Dollars (\$5,000.00).
- 427. On February 6, 2019, Mr. Dunn appeared for the arraignment of Mr. O'Leary in the Criminal Court of Davidson County, Tennessee.
- 428. On February 14, 2019, Mr. Dunn was temporarily suspended from the practice of law for failing to respond to disciplinary complaints against him.
- 429. Mr. Dunn did not advise his client, Mr. O'Leary, of his suspension from the practice of law.
- 430. On March 7, 2019, Mr. Dunn appeared in court on behalf of Mr. O'Leary and discussed Mr. O'Leary's case with Assistant District Attorney General Andrea Green.

431. Upon questioning by the Assistant District Attorney General, Mr. Dunn informed her that he could continue to represent clients until March 16, 2019.

432. Mr. Dunn failed to notify Assistant District Attorney General Andrea Green of his suspension within ten (10) days as required by court order.

433. Mr. Dunn collected an unreasonable fee from Mr. O'Leary since he could no longer represent Mr. O'Leary in his criminal case due to the suspension of his law license.

434. Mr. Dunn did not refund any money to Mr. O'Leary.

435. Mr. Dunn abandoned Mr. O'Leary and his case.

436. Mr. Dunn violated RPC 1.4 by failing to communicate with his client.

437. Mr. Dunn violated RPC 1.5 by collecting an unreasonable fee.

438. Mr. Dunn violated RPC 1.16 by representing a client that resulted in the violation of the Rules of Professional Conduct.

439. Mr. Dunn violated RPC 3.4(c) by knowingly disobeying an obligation under the rules of a tribunal.

440. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

441. Mr. Dunn's conduct violated RPC 8.4 (a) and (g) (misconduct).

File No. 60389-6-KB – Kerry Friedewald, Esq.

442. On April 5, 2019, the Board forwarded a complaint to Mr. Dunn from Kerry Friedewald, Esq. on behalf of Marie Lewis requesting his response.

443. Mr. Dunn did not respond to the complaint.

444. Last Resort Fee, LLC is a brokering agency for individuals that seek to terminate timeshare obligations.

445. Mr. Dunn was an approved attorney for Last Resort Fee, LLC.

446. Ms. Lewis paid Last Resort Fee, LLC Six Thousand Nine Hundred Ninety Dollars (\$6,990.00) to assist with the cancellation of her timeshare.

447. Last Resort Fee, LLC transferred Ms. Lewis' file to Mr. Dunn.

448. Last Resort Fee, LLC is not listed as an intermediary organization that has properly registered with the Board of Professional Responsibility.

449. Other than mailing a form letter to the timeshare company, Mr. Dunn took no further action to represent her in the matter.

450. Mr. Dunn abandoned Ms. Lewis and her case.

451. Mr. Dunn failed to return Ms. Lewis' telephone calls or otherwise reasonably communicate with Ms. Lewis.

452. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.

453. Mr. Dunn violated RPC 1.5 (a) by charging an excessive fee.

454. Mr. Dunn violated RPC 5.4(a) by sharing legal fees with a nonlawyer.

455. Mr. Dunn violated RPC 7.6 by seeking and accepting referrals from an intermediary organization that has not registered with the Board of Professional Responsibility.

456. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

457. Mr. Dunn's conduct violated RPC 8.4 (a) (misconduct).

File No. 60398-6-KB – Robert Scott Stevens, Esq.

458. On March 29, 2019, the Board forwarded a complaint from Robert Scott Stevens, Esq. to Mr. Dunn requesting his response.

459. Mr. Dunn failed to respond to the complaint.

460. Mr. Dunn represented Wanda Frierson in civil litigation before the Chancery

Court of Rutherford County, Tennessee.

461. Ms. Frierson's case was originally scheduled for trial in November 2018 but could not proceed due to the administrative suspension of Mr. Dunn's law license.

462. Once Mr. Dunn's law license was removed from suspension status, Ms. Frierson's case was set for trial on April 2, 2019.

463. In March 2019, Mr. Stevens discovered that Mr. Dunn was again suspended from the practice of law.

464. Neither Mr. Dunn, nor his client, appeared at the pre-trial conference in Rutherford County Chancery Court.

465. Mr. Dunn failed to notify opposing counsel of his suspension from the practice of law.

466. Mr. Stevens filed a motion to dismiss on behalf of his client, which was granted by the Court.

467. Mr. Dunn violated RPC 3.4(c) by knowingly disobeying an obligation under the rules of a tribunal.

468. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

469. Mr. Dunn's conduct violated RPC 8.4 (a) and (g) (misconduct).

File No. 60731-6-KB – James Gafney, III

470. On May 29, 2019, the Board forwarded a complaint from James Gafney, III to Mr. Dunn requesting his response.

471. Mr. Dunn failed to respond to the complaint.

472. On September 21, 2016, Mr. Gafney filed a petition to modify his parenting plan, along with a petition for civil contempt against his former spouse.

473. Subsequent to the filing of his pro se petition, Mr. Gafney retained Mr. Dunn to represent him in the post-divorce litigation.

474. Mr. Dunn assigned Mr. Gafney's case to an associate within his law firm.

475. The associate handling Mr. Gafney's case terminated his employment with Mr. Dunn's law firm and Mr. Dunn began handling Mr. Gafney's matter.

476. Mr. Gafney's case was tried over approximately nine (9) non-consecutive days.

477. The Court requested that counsel submit proposed findings of facts and conclusions of law.

478. Mr. Dunn failed to file proposed findings of fact on behalf of his client.

479. The Court named Mr. Gafney's former spouse as the Primary Residential Parent.

480. Mr. Gafney requested that Mr. Dunn file an appeal in his case.

481. Mr. Dunn did not file the appeal as requested.

482. Mr. Gafney made numerous attempts to communicate with Mr. Dunn after the trial, however, Mr. Dunn failed to return Mr. Gafney's phone calls and emails.

483. Mr. Dunn violated RPC 1.2 by failing to abide by the client's decisions concerning the objectives of the representation.

484. Mr. Dunn violated RPC 1.3 and 1.4 by failing to diligently represent his client and communicate with his client.

485. Mr. Dunn violated RPC 1.5 by collecting an unreasonable fee.

486. Mr. Dunn violated RPC 1.16(d) by failing to take practical steps to protect his client's interests.

487. Mr. Dunn violated RPC 3.2 by failing to make reasonable efforts to expedite litigation.

488. Mr. Dunn violated RPC 3.4(c) by knowingly disobeying an obligation under the rules of a tribunal.

489. Mr. Dunn violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

490. Mr. Dunn's conduct violated RPC 8.4 (g) (misconduct).

CONCLUSIONS OF LAW

Pursuant to Tenn. Sup. Ct. R. 9, § 8.1, attorneys admitted to practice law in Tennessee are subject to the disciplinary jurisdiction of the Supreme Court, the Board of Professional Responsibility, the hearing panel, and the Circuit and Chancery Courts.

Pursuant to Tenn. Sup. Ct. R. 9, § 1, the license to practice law in this state is a privilege and it is the duty of every recipient of that privilege to act, at all times, both professionally and personally, in conformity with the standards imposed upon members of the bar as conditions for the privilege to practice law. Pursuant to Tenn. Sup. Ct. R. 9, § 11.1, acts or omissions by an attorney which violate the Rules of Professional Conduct of the State of Tennessee shall constitute misconduct and be grounds for discipline.

The Respondent has failed to conduct himself in conformity with said standards and is guilty of acts and omissions in violation of the authority cited *infra*.

Based on the evidence presented, and based on the admissions of the Respondent due to his failure to respond to the Petition, the Hearing Panel finds that the Board has proven by a preponderance of evidence that Respondent has violated RPC 1.3 by failing to act with reasonable diligence and promptness in representing his clients, in that he failed to take action in his clients' cases and failed to respond to requests for information.

Based on the evidence presented, and based on the admissions of the Respondent due to his failure to respond to the Petition, the Hearing Panel finds that the Board has proven by a

preponderance of evidence that Respondent has violated RPC 1.4 by failing to communicate with numerous clients, failing to inform them of the status of their cases, and failing to inform them of his temporary suspension.

Based on the evidence presented, and based on the admissions of the Respondent due to his failure to respond to the Petition, the Hearing Panel finds that the Board has proven by a preponderance of evidence that Respondent has violated RPC 1.5 by collecting unreasonable fees when considering the lack of work he performed for his clients and failing to return fees upon termination of his representation.

Based on the evidence presented, and based on the admissions of the Respondent due to his failure to respond to the Petition, the Hearing Panel finds that the Board has proven by a preponderance of evidence that Respondent has violated RPC 1.16(d) by failing to notify his clients that he had withdrawn from representing them or to take steps to protect the clients' interests.

Based on the evidence presented and based on the admissions of the Respondent due to his failure to respond to the Petition, the Hearing Panel finds that the Board has proven by a preponderance of evidence that Respondent has violated RPC 3.2 by failing to expedite litigation.

Based on the evidence presented and based on the admissions of Respondent due to his failure to respond to the Petition, the Hearing Panel finds that the Board has proven by a preponderance of the evidence that Respondent has violated RPC 3.4 by failing to obey an obligation under the rules of a tribunal.

Based on the evidence presented and based on the admissions of Respondent due to his failure to respond to the Petition, the Hearing Panel finds that the Board has proven by a

preponderance of the evidence that Respondent has violated RPC 5.1 by failing to make reasonable efforts to ensure that other lawyers that he had direct supervisory authority over conformed to the Rules of Professional Conduct.

Based on the evidence presented and based on the admissions of Respondent due to his failure to respond to the Petition, the Hearing Panel finds that the Board has proven by a preponderance of the evidence that Respondent has violated RPC 5.3 by failing to make reasonable efforts to ensure that nonlawyer assistants conduct was compatible with the professional obligations of the lawyer.

Based on the evidence presented and based on the admissions of Respondent due to his failure to respond to the Petition, the Hearing Panel finds that the Board has proven by a preponderance of the evidence that Respondent has violated RPC 5.4 by sharing legal fees with a nonlawyer.

Based on the evidence presented and based on the admissions of Respondent due to his failure to respond to the Petition, the Hearing Panel finds that the Board has proven by a preponderance of the evidence that Respondent has violated RPC 7.1 by making a false or misleading communication about the lawyer or his services.

Based on the evidence presented and based on the admissions of Respondent due to his failure to respond to the Petition, the Hearing Panel finds that the Board has proven by a preponderance of the evidence that Respondent has violated RPC 7.6 by seeking or accepting a referral of a client, or compensation for representing a client, from an intermediary organization that was not registered with the Board of Professional Responsibility.

Based on the evidence presented and based on the admissions of the Respondent due to his failure to respond to the Petition, Supplemental Petition and Second Supplemental Petition,

the Hearing Panel finds that the Board has proven by a preponderance of evidence that Respondent has violated RPC 8.1 by knowingly failing to respond to Board requests for responses to complaints.

Based on the evidence presented and based on the admissions of the Respondent due to his failure to respond to the Petition, Supplemental Petition and Second Supplemental Petition, the Hearing Panel finds that the Board has proven by a preponderance of evidence that Respondent has violated RPC 8.4(a) by committing the violations outlined above.

Based on the evidence presented, and based on the admissions of the Respondent due to his failure to respond to the Petition, Supplemental Petition and Second Supplemental Petition, the Hearing Panel finds that the Board has proven by a preponderance of evidence that Respondent has violated RPC 8.4(d) by engaging in conduct prejudicial to the administration of justice, by failing to appear for numerous court hearings, some of which involved clients facing serious criminal charges, making incoherent legal arguments, and abandoning his clients without notification.

Based on the evidence presented, and based on the admissions of the Respondent due to his failure to respond to the Petition, Supplemental Petition and Second Supplemental Petition, the Hearing Panel finds that the Board has proven by a preponderance of evidence that Respondent has violated RPC 8.4(g) by knowingly failing to comply with the Order of Temporary Suspension in that he failed to notify his clients of the suspension pursuant to Tenn. Sup. Ct. R. 9 § 28.2, failed to return client files pursuant to § 28.5, failed to refund unearned fees pursuant to § 28.6, and failed to file an affidavit with the Board pursuant to § 28.9.

ABA STANDARDS

When disciplinary violations are established by a preponderance of the evidence, the

appropriate discipline must be based upon application of the ABA Standards for Imposing Lawyer Sanctions, ("ABA Standards") pursuant to Section 15.4, Rule 9 of the Rules of the Supreme Court.

The Hearing Panel finds that the following ABA Standards are applicable in this matter:

4.41 Disbarment is generally appropriate when:

- (a) a lawyer abandons the practice and causes serious or potentially serious injury to a client; or
- (b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or
- (c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

AGGRAVATING FACTORS

After misconduct has been established, aggravating and mitigating circumstances may be considered in deciding what sanctions to impose.

Mr. Dunn's prior disciplinary offenses are an aggravating circumstance justifying an increase in discipline.

Mr. Dunn's pattern of misconduct is an aggravating circumstance justifying an increase in discipline.

Mr. Dunn's multiple offenses are an aggravating circumstance justifying an increase in discipline.

Mr. Dunn's refusal to acknowledge the wrongful nature of his conduct is an aggravating circumstance justifying an increase in discipline.

Mr. Dunn's dishonest and selfish motive is an aggravating circumstance justifying an increase in discipline.

Mr. Dunn's indifference to making restitution is an aggravating circumstance justifying an increase in discipline.

The vulnerability of Mr. Dunn's victim's is an aggravating circumstance justifying an increase in discipline.

Mr. Dunn's substantial experience in the practice of law is an aggravating circumstance justifying an increase in discipline.

JUDGMENT

In light of the Findings of Fact and Conclusions of Law, the relevant ABA Standards and the aggravating factors set forth above, the Hearing Panel hereby finds that Mr. Dunn should be **disbarred** pursuant to Tenn. Sup. Ct. R. 9, § 12.1.

As a condition of reinstatement to the practice of law, Mr. Dunn shall pay restitution as set forth below:

Dennis and Kelly Renzelman - \$4,335.00

Robert and Beth Fogarty - \$4,500.00

Debbie Pearson - \$3,700.00

Billy and Geneva Woodbury - \$3,000.00

Peter Graham - \$2,500.00

Pauline Copeland - \$4,000.00

Sandra Smit - \$6,000.00

David Carter - \$3,995.00

Felicita Morales - \$3,000.00

Lynn Hearl - \$5,995.00

Claude Rosser - \$4,995.00

Nancy and Pamela Eyre - \$4,001.00

Joseph Ashley-Ricketts - \$2,600.00

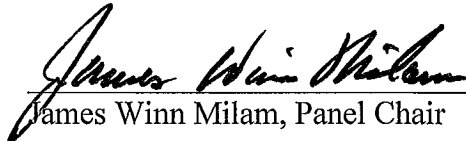
Mary Eden and Tom Farmer - \$35,000.00 (subject to diminution based upon proof of actual work completed as submitted by Mr. Dunn to show that a portion of the fees were earned).


Dianne Mitchell - \$5,000.00 (subject to diminution based upon proof of actual work completed as submitted by Mr. Dunn to show that a portion of the fees were earned).


Brian Horrocks - \$3,000.00 (subject to diminution based upon proof of actual work completed as submitted by Mr. Dunn to show that a portion of the fees were earned).

The costs of this cause will be taxed to Mr. Dunn following entry of this judgment pursuant to the procedures established in Tenn. Sup. Ct. R. 9, § 31.3 (a).

IT IS SO ORDERED.


James Winn Milam, Panel Chair


Brandon McWherter, Panel Member
Permission by J.W. Milam


Philip Edward Schell, Panel Member
Permission by J.W. Milam

NOTICE

This judgment may be appealed pursuant to Tenn. Sup. Ct. R. 9, § 33, by filing a Petition for Review in the Circuit or Chancery Court within sixty (60) days of the date of entry of the hearing panel's judgment.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been sent to Respondent, Matthew David Dunn, 701 Murfreesboro Road, Franklin, TN 37064, by U.S. First Class Mail, and hand-delivered to Travis M. Lampley, Disciplinary Counsel, on this the 28th day of January, 2020.



Rita Webb
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.