

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

2015 MAY 21 AM 11:00

BOARD OF PROFESSIONAL  
RESPONSIBILITY

*Ret*

**IN RE: SHARON ELIZABETH ENGLAND,  
BPR# 18642, Respondent,  
An Attorney Licensed to  
Practice Law in Tennessee  
(Williamson County)**

**DOCKET NO. 2014-2376-6-WM**

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**JUDGMENT OF THE HEARING PANEL**

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This matter came to be heard on the 21st day of May, 2015 for final hearing on the Board's Petition for Discipline before G. Benson Boston, Panel Chair; Vanessa P. Bryan, Panel Member; and Mark A. Free, Panel Member. William C. Moody, Disciplinary Counsel, appeared for the Board. Ms. England did not appear despite having adequate notice of the date, time, and location of the hearing.

**STATEMENT OF THE CASE**

This is a disciplinary proceeding against the Respondent, Sharon Elizabeth England, an attorney licensed to practice law in Tennessee. Ms. England was licensed to practice in 1997. On September 30, 2014, the Tennessee Board of Professional Responsibility (the "Board") filed a Petition for Discipline against the Respondent, Sharon Elizabeth England. Ms. England failed to respond to the Petition for Discipline and on February 3, 2015, the Board filed a Motion for Default Judgment and that Allegations Contained in Petition Be Deemed Admitted. An Order for Default Judgment was entered on March 31, 2015. There has been no further response from Ms. England since entry of the Order for Default Judgment. As a result of the Order for Default

Judgment, the allegations contained within the Petition for Discipline are deemed admitted pursuant to Tennessee Supreme Court Rule 9, Section 15.2 (2014).

**FINDINGS OF FACTS**

Since all of the allegations in the Petition for Discipline are deemed admitted, this Panel finds that the following facts have been established.

**File No. 37119-6-BG – Complaint of David Rushing**

Ms. England represented Mr. Rushing in a worker's compensation action in the Chancery Court for White County filed June 12, 2013. A status hearing was scheduled in the case for May 27, 2014. Ms. England failed to appear at the hearing and failed to notify her client of the hearing. As a result of her failure to appear, the court dismissed the case. Ms. England failed to notify Mr. Rushing of the dismissal of his case. Ms. England abandoned her representation of Mr. Rushing. Ms. England failed to respond to his complaint.

**File No. 37276c-6-BG – Complaint of Bill Brown**

Ms. England represented Mr. Brown in a worker's compensation action in the Circuit Court for Davidson County filed May 1, 2012. This action was commenced by Mr. Brown's employer and Mr. Brown filed a counter-complaint. Beginning in December, 2013, Ms. England ceased communicating with Mr. Brown. The case was set for trial on April 21, 2014. The day prior to the trial, Ms. England requested a continuance and acknowledged that she had not obtained the necessary medical proof. The court denied her request for a continuance. When the court denied Ms. England's request for a continuance, Ms. England gave verbal notice of a voluntary dismissal. Ms. England failed to submit an order of voluntary dismissal in accordance with T.R.C.P. 41.01. Mr. Brown's employer filed a motion for default judgment and to dismiss

Mr. Brown's counter-complaint. Ms. England did not notify Mr. Brown of the motion, did not respond to the motion and failed to appear at the hearing on the motion. As a result, a judgment was entered against Mr. Brown on June 25, 2014 awarding his employer a judgment by default and dismissing his counter-complaint with prejudice. Ms. England did not notify Mr. Brown of the judgment. Ms. England abandoned her representation of Mr. Brown. Ms. England failed to respond to his complaint.

As a result of the Order for Default Judgment, all the facts contained in the Petition for Discipline, and summarized here, are deemed admitted.

### **CONCLUSIONS OF LAW**

Pursuant to Tenn. Sup. Ct. R. 9, § 1 (2014), the license to practice law in this state is a privilege, and it is the duty of every recipient of that privilege to conduct himself or herself at all times in conformity with the standards imposed upon members of the bar as conditions for the privilege to practice law. 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 herself in conformity with said standards and is guilty of acts and omissions in violation of the authority cited within the Petition for Discipline.

As noted above, Respondent has failed to answer the Board's Petition for Discipline. The Hearing Panel has already entered an Order for Default Judgment and, therefore, pursuant to Tenn. Sup. Ct. R. 9, § 15.2 (2014), the charges are deemed admitted.

By failing to appear at the status hearing, Ms. England failed to exercise reasonable diligence in violation of RPC 1.3 (Diligence) and failed to expedite Mr. Rushing's litigation in violation of RPC 3.2 (Expediting Litigation).

By failing to advise Mr. Rushing of the dismissal of his case, Ms. England failed to adequately communicate with him in violation of RPC 1.4 (Communication).

By abandoning his case, Ms. England failed to properly terminate her representation of Mr. Rushing in violation of RPC 1.16(d) (Terminating Relationship).

By failing to respond to Mr. Rushing's complaint, Ms. England violated RPC 8.1(b) (Bar Admission and Disciplinary Matters).

By failing to prepare Mr. Brown's case for trial, failing to submit an order of nonsuit and failing to respond to the motion for default, Ms. England failed to act with reasonable diligence in violation of RPC 1.3 (Diligence) and failed to expedite Mr. Brown's litigation in violation of RPC 3.2 (Expediting Litigation).

By failing to respond to Mr. Brown's efforts to communicate with her and by failing to notify him of the motion for default and the dismissal of his case, Ms. England failed to adequately communicate with him in violation of RPC 1.4 (Communication).

By abandoning his case, Ms. England failed to properly terminate her representation of Mr. Brown in violation of RPC 1.16(d) (Terminating Relationship).

By failing to respond to Mr. Brown's complaint, Ms. England violated RPC 8.1(b) (Bar Admission and Disciplinary Matters).

Though this petition only represents the complaints of two clients whose representation Ms. England abandoned, given the fact that she failed to respond to either complaint of misconduct and has failed to respond to the petition, Ms. England has abandoned her practice.

Violation of the aforementioned Rules of Professional Conduct constitutes a violation of RPC 8.4(a) (Misconduct).

A preponderance of the evidence demonstrates that the acts and omissions by the Respondent constitute ethical misconduct in violation of Rules of Professional Conduct 1.3, Diligence; 1.4, Communication; 1.16(d), Declining and Terminating Representation; 3.2, Expediting Litigation; 8.1(b), Bar Admission and Disciplinary Matters; and 8.4, Misconduct.

The Board has the burden of proving violations of the Rules of Professional Conduct by a preponderance of the evidence. The Board has carried its burden and proven the aforementioned violations of the Rules of Professional Conduct by a preponderance of the evidence. Once disciplinary violations have been established, the Panel shall consider the applicable provisions of ABA Standards for Imposing Lawyer Sanctions. Prior to consideration of any aggravating or mitigating circumstances, the following ABA Standards apply to this case:

#### 4.41 LACK OF DILIGENCE

Disbarment is generally appropriate when:

- (a) a lawyer abandons the practice and causes serious or potentially serious injury to a client;
- (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.

Ms. England failed to prosecute the matters of Mr. Brown and Mr. Rushing. She failed to communicate with them. She abandoned their cases. She caused both of their cases to be dismissed. She has abandoned her practice causing serious injury to at least two of her clients.

#### 7.2 VIOLATION OF DUTIES OWED AS A PROFESSIONAL

Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a

professional, and causes serious or potentially serious injury to a client, the public, or the legal system.

Ms. England failed to respond to two complaints of misconduct.

Pursuant to ABA Standard 9.22, we find that the following aggravating factors are present in this case and are listed below.

1. Ms. England has a prior disciplinary offense which is an aggravating circumstance justifying an increase in the degree of discipline to be imposed against her. Ms. England received a private informal admonition in 2013 for failing to respond to a request for information in violation of RPC 8.1(b) (Bar Admission and Disciplinary Matters).

2. Ms. England has shown a pattern of misconduct by abandoning two separate clients which is an aggravating circumstance justifying an increase in the degree of discipline to be imposed against her.

3. Ms. England has committed violations of RPC 1.3 (Diligence), 1.4 (Communication), 1.16(d) (Declining or Terminating Representation), 3.2 (Expediting Litigation), 8.1 (Bar Admission and Disciplinary Matters) and 8.4(a) (Misconduct) which is an aggravating circumstance justifying an increase in the degree of discipline to be imposed against her.

4. Ms. England has substantial experience in the practice of law, having been licensed to practice law since 1997, which is an aggravating circumstance justifying an increase in the degree of discipline to be imposed against her.

There are no mitigating circumstances.

Based upon the evidence and admissions in this matter, the appropriate discipline is a disbarment from the practice of law.

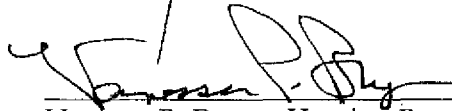
**JUDGMENT**

In light of the Findings of Fact and Conclusions of Law and the aggravating factors set forth above, the Hearing Panel hereby finds that Ms. England should be disbarred from the practice of law.

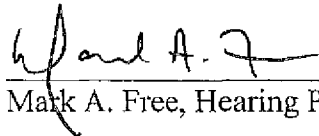
It is so ordered this 21<sup>st</sup> day of May, 2015.



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G. Benson Boston, Hearing Panel Chair



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Vanessa P. Bryan, Hearing Panel Member




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Mark A. Free, Hearing Panel Member

**NOTICE TO RESPONDENT**

**NOTICE:** This judgment may be appealed pursuant to Tenn. Sup. Ct. R. 9, § 33 (2014) by filing a petition for review.

Respectfully Submitted,

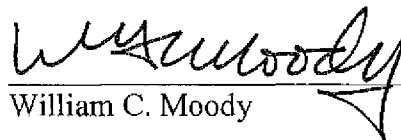


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William C. Moody, BPR No. 6752  
Disciplinary Counsel--Litigation  
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Brentwood, Tennessee 37027  
(615) 361-7500

**Certificate of Service**

I certify that a copy of the foregoing has been sent to Respondent, Sharon Elizabeth England, by First Class U.S. Mail addressed to her at 9012 Hood Place, Brentwood, Tennessee, 37024 on this the 21 day of May, 2015.



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William C. Moody