

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

FILED

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BOARD OF PROFESSIONAL
RESPONSIBILITY

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EXEC. SEC.

IN RE: SCOTT DOUGLAS FLETCHER,
BPR #21832 (Little Rock, Arkansas)
Petitioner

DOCKET NO. 2017-2769-0-AW-30.4d

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND
HEARING PANEL DECISION

On December 12, 2017, the hearing in this matter took place in Nashville, Tennessee before the Hearing Panel. Brian S. Faughnan represented Petitioner Scott Douglas Fletcher and A. Russ Willis, Disciplinary Counsel, represented the Board of Professional Responsibility.

Prior to the hearing, as a result of the filings of the parties, the issues in dispute had been narrowed down exclusively to whether Mr. Fletcher would be able to demonstrate by clear and convince evidence that he has the moral qualifications, competency, and learning in law required for admission to practice in Tennessee and that allowing him to be reinstated will not be detrimental to the integrity and standing of the bar, the administration of justice, or subversive to the public interest. During the hearing Petitioner testified on his own behalf and presented live testimony from his wife, Laura Fletcher. Mr. Willis cross-examined Mr. Fletcher and declined the opportunity to cross-examine Ms. Fletcher. Hearing Panel members also directly questioned Mr. Fletcher during his testimony. Petitioner presented additional testimony by affidavit from two lawyers licensed to practice in Arkansas, Rufus E. Wolff and David A. Sims, which were made the only two Exhibits at the Hearing. The Board of Professional Responsibility did not call any witnesses or put on any proof during the hearing and, at the conclusion of the hearing, stated

on the record that it was taking no position on the question of whether Mr. Fletcher should be reinstated.

Based on the testimony during the hearing, the statements of counsel, and the entire record in this matter, the Hearing Panel has unanimously concluded that Mr. Fletcher should be reinstated to the practice of law in Tennessee. As required by Tenn. Sup. Ct. R. 9, § 30.4(4), the Hearing Panel now provides these findings of fact and conclusions of law regarding its decision.

FINDINGS OF FACT

1. Mr. Fletcher was first licensed to practice law in Arkansas in 1991 and then in Tennessee in 2002.
2. On September 29, 2011, the Arkansas Supreme Court imposed a 60-month disciplinary suspension against Mr. Fletcher along with a monetary fine and the imposition of costs of proceedings against him. *See In re Scott Douglas Fletcher*, Docket No. 2010-028, Arkansas Supreme Court Committee on Professional Conduct (Panel B), Hearing Findings and Order (entered 9/29/11).
3. Reciprocal discipline in the form of a 60-month suspension was imposed against Mr. Fletcher by the Tennessee Supreme Court on February 23, 2012.
4. After the end of Mr. Fletcher's disciplinary suspension in Arkansas, he was successfully and fully reinstated to the practice of law in Arkansas as of March 7, 2017 and he has been actively engaged in the practice of law in Arkansas since that time.
5. Mr. Fletcher has served the entirety of the suspension imposed by the Court's February 23, 2012 Order.
6. Mr. Fletcher has filed the affidavit required by the rules to give notice to clients, opposing counsel, and courts, he has reimbursed and paid to the Board of Professional

Responsibility the full costs and expenses of the reciprocal discipline proceeding against him as well as paying in full court costs to the Clerk of the Tennessee Supreme Court, and is in full compliance with his CLE obligations in Tennessee.

7. Mr. Fletcher also is in full compliance with the payment of all required registration fees and any professional privilege tax obligations in Tennessee.

8. Since resuming the practice of law in Arkansas, Mr. Fletcher has not had any discipline against him or any disciplinary proceedings pursued against him.

9. Mr. Fletcher's reason for seeking to have his license reinstated in Tennessee is to be able to pursue reinstatement to be able to practice before the Internal Revenue Service. At present, Mr. Fletcher cannot pursue practice before the IRS because he cannot state that he is in good standing in all of the jurisdictions in which he is licensed.

10. If Mr. Fletcher is able to be reinstated to practice before the IRS, he anticipates that he simply may place his Tennessee law license into inactive status.

11. Mr. Fletcher and his wife, Laura, have been married for almost 25 years and they have one daughter who is presently in high school.

12. Mr. Fletcher is an active participant in his church community in Little Rock, Arkansas, serving as a Sunday School teacher among other functions.

13. Mr. Fletcher understands the nature of the misconduct he engaged in many years ago that led to his suspension from the practice of law, regrets his mistakes in judgment, and was able to articulate how the experience has changed him and how he would conduct himself differently in the future.

14. The nature of Mr. Fletcher's law practice today and the environment in which he practices is also significantly different from the environment of his law practice during the time

of his representation of the underlying client's matter that led to his suspension from the practice of law.

15. Mr. Fletcher has been actively practicing law again for almost 9 months as of the date of the hearing, has been successful in having a significant number of his past clients return to him as current clients, and, as a result, has a number of clients for whom he serves as something in the nature of an outside general counsel for their business ventures.

CONCLUSIONS OF LAW

1. Mr. Fletcher has satisfied all of the conditions precedent to his reinstatement set out in the February 23, 2012 Order of the Tennessee Supreme Court suspending his license.

2. Based upon the testimony and other evidence proffered by Mr. Fletcher during the hearing, and the lack of any contrary proof having been presented by Disciplinary Counsel, Mr. Fletcher has proven by clear and convincing evidence that he has the competency and learning in law for admission to practice in Tennessee.

3. Based upon the testimony and other evidence proffered by Mr. Fletcher during the hearing, and the lack of any contrary proof having been presented by Disciplinary Counsel, Mr. Fletcher has proven by clear and convincing evidence that he has the moral qualifications required for admission to practice in Tennessee.

4. Based upon the testimony and other evidence proffered by Mr. Fletcher during the hearing, and the lack of any contrary proof having been presented by Disciplinary Counsel, Mr. Fletcher has proven by clear and convincing evidence that his resumption of the practice of law in Tennessee will not be detrimental to the integrity and standing of the bar or the administration of justice and will not be subversive to the public interest.

The Hearing Panel therefore finds that the petitioner's license to practice law in Tennessee should be reinstated.

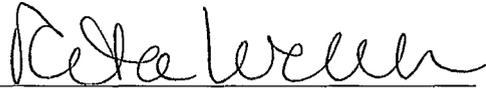
Ordered on this the 28 day of December 2017.

A handwritten signature in black ink, appearing to read "Michael M. Castellarin", written over a horizontal line.

Michael M. Castellarin, Esq. (BPR #12015)
Hearing Panel Chair, all Panel Members concurring

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been sent to Petitioner, Scott Douglas Fletcher, 415 N. McKinley Street, Suite 840, Little Rock, AR 72205, and to his counsel, Brian S. Faughnan, 40 South Main Street, 29th Floor, Memphis, TN 38103, via U.S. First Class Mail, and hand-delivered to Disciplinary Counsel, A. Russell Willis, this the 28th day of December, 2017.

A handwritten signature in black ink, appearing to read "Rita Webb", written over a horizontal line.

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.