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2016 AUG 18 PM 12:15

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

BOARD OF PROFESSIONAL
RESPONSIBILITY

ICW
EXEC. SEC.

IN RE: CARLA ANN KENT FORD,
BPR #14312, Respondent
An Attorney Licensed and
Admitted to the Practice of
Law in Tennessee
(Rutherford County)

DOCKET NO. 2016-2583-4-AW (22.3)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT

This matter came on for hearing before a duly appointed Hearing Panel on July 12, 2016 upon a Petition for Final Discipline filed by the Board pursuant to Tenn. Sup. Ct. R. 9, § 22. Present were Panel Member's Phillip Andrew Wright, Jr., Kyle Bates Heckman, and Anthony Ensley Hagan; Respondent, Carla Ann Kent Ford; and A. Russell Willis, Disciplinary Counsel. Upon statements of counsel, evidence presented, and upon the entire record in this cause, the Panel makes the following findings and judgment.

STATEMENT OF THE CASE

On May 20, 2016, the Tennessee Supreme Court suspended Ms. Ford pursuant to Section 22 of Tenn. S. Ct. R. 9 due to Ms. Ford's conviction entered in the Circuit Court for Rutherford County, involving a serious crime, theft of property valued in excess of \$1,000.00 but less than \$10,000.00, in violation of T.C.A. §39-14-103.

The May 20, 2016 Order referred the matter to the Board of Professional Responsibility for the institution of formal proceedings. Accordingly, a Petition for Final Discipline was filed

in this cause on May 23, 2016. Ms. Ford filed a Response to Petition for Final Discipline on June 6, 2016, admitting the allegations set forth in the Petition for Final Discipline.

FINDINGS

Ms. Ford is an attorney who received her license to practice law in Tennessee in 1990. On May 5, 2016, Ms. Ford was found guilty of theft of property (in excess of \$1,000.00 but less than \$10,000.00) in violation of T. C. A. §39-14-103. From approximately November, 2012, through August, 2013, Ms. Ford received a total of \$5,117.20 from the Tennessee Department of Children Services for serving as foster parent for her granddaughter; however, the child actually lived with another couple for greater than fifty percent of the time. Ms. Ford did not disclose to the Tennessee Department of Children Services that the child was not in her fulltime physical custody during the time Ms. Ford accepted and retained payments from the Tennessee Department of Children Services for support of the children.

On July 1, 2016, Ms. Ford was granted Judicial Diversion, placed on four (4) years' probation; ordered to pay restitution of \$5,117.20 to the Tennessee Department of Children Services; and perform eight (8) hours of community services each month.

Ms. Ford admitted and the Panel finds the conviction for theft of property constitutes a serious crime as defined by Tenn. Sup. Ct. R. 9, § 2 (2014), and pursuant to Tenn. Sup. Ct. R. 9, § 22, the Panel is charged with determining the extent of final discipline to be imposed upon Ms. Ford.

The Panel further finds the conduct of Ms. Ford consists of fraud and theft and concludes that ABA Standard 5.11(a), recommending disbarment, is the most appropriate standard to apply in this matter.

Ms. Ford has prior disciplinary offense consisting of a Private Informal Admonition on February 18, 1998, for failure to inform her client of a hearing date; a Public Censure on October 31, 2002, for failing to deposit a filing fee in her trust account and delivering a bad check to the Clerk for the filing fee; and a Private Informal Admonition on November 13, 2003, for failing to act with reasonable diligence and promptness in the representation of her client.

Based upon the proof presented, the Panel finds several aggravating factors are present, including a dishonest or selfish motive, a pattern of misconduct, substantial experience in the practice of law, refusal to acknowledge wrongful nature of the conduct and prior disciplinary offenses. Conversely, the Panel also finds several mitigating circumstances are present, including personal and family issues, timely good faith effort to make restitution or rectify the consequences of her actions, full and free disclosure to the Board of Professional Responsibility and cooperative attitude toward the proceedings, remorse and remoteness of prior disciplinary offenses.

JUDGMENT

Accordingly, it is the decision of the Panel that Ms. Ford should be suspended for a period of four (4) years.


IT IS SO ORDERED.



Phillip Andrew Wright, Jr., Chair



Kyle Bates Heckman, Panel Member



Anthony Ensley Hagan, Panel Member

NOTICE TO RESPONDENT

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.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing *Findings of Fact, Conclusions of Law and Judgment* has been sent to Respondent, Carla Ann Kent Ford, by First Class U. S. Mail to P.O. Box 332111, Murfreesboro, Tennessee 37133-2111 and hand-delivered to A. Russell Willis, Disciplinary Counsel, on this the 18th day of ~~July~~^{Aug.}, 2016.


Rita Webb
Executive Secretary