

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

FILED  
2016 JUN 28 PM 12:23  
BOARD OF PROFESSIONAL  
RESPONSIBILITY  
*FW*  
EXFC 37

**IN RE: GARRY CHRISTOPHER FORSYTHE, DOCKET NO. 2015-2527-6-WM(22.3)  
BPR# 20460, Respondent,  
An Attorney Licensed to  
Practice Law in Tennessee  
(Sumner County)**

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**FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT**

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This matter came on for hearing before a duly appointed Hearing Panel on June 28, 2016 upon a Petition for Final Discipline filed by the Board pursuant to Tenn. Sup. Ct. R. 9, § 22. Present were Phillip Edward Schell, Panel Chair; Claudia Jean Spence Jack, Panel Member; Kirk Vandivort, Panel Member; and William C. Moody, Disciplinary Counsel. Mr. Forsythe was given notice of the hearing but was not present. 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 January 12, 2016, the Tennessee Supreme Court suspended Mr. Forsythe pursuant to Section 22 of Tenn. S. Ct. R. 9 due to Mr. Forsythe's conviction entered in the United States District Court for the Middle District of Tennessee, involving a serious crime, wire fraud, in violation of 18 U.S.C. § 1343.

The January 12, 2016 order referred the matter to the Board of Professional Responsibility for the institution of formal proceedings. Accordingly, the Petition for Final Discipline was filed

in this cause on January 28, 2016. Mr. Forsythe was personally served on March 29, 2016 but has not filed an answer or otherwise appeared. An Order for Default Judgment was entered on May 10, 2016.

### **FINDINGS**

On December 11, 2015, Mr. Forsythe pled guilty to wire fraud. On April 14, 2016, a judgment was entered sentencing Mr. Forsythe to a term of imprisonment of 33 months and ordering him to pay restitution of \$2,249,294.80. Mr. Forsythe has not appealed that judgment.

The Panel finds that the Respondent's conviction is conclusive evidence of the commission of the serious crime of wire fraud in violation of 18 U.S.C. § 1343. Pursuant to Tenn. Sup. Ct. R. 9, § 22, the sole issue to be determined in this matter is the extent of final discipline.

The Panel concludes that ABA Standard 5.11(a), recommending disbarment, applies to the Respondent's conduct. The Panel further finds that Respondent's conduct seriously adversely reflects on his fitness to practice law.

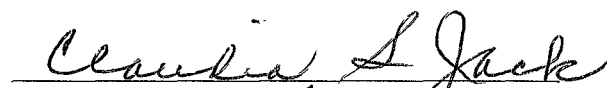
The Panel finds that there are no mitigating factors. The Panel finds that there are several aggravating factors, including a dishonest or selfish motive, a pattern of misconduct, substantial experience in the practice of law and illegal conduct.

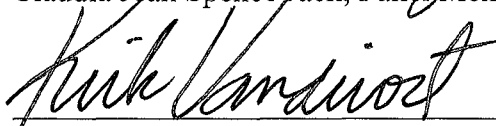
### **JUDGMENT**

Accordingly, it is the decision of the Panel that Respondent should be disbarred. As a condition of reinstatement, he shall be required to be make restitution in the amount of \$2,249,294.80. In the event restitution is paid by the Tennessee Lawyers Fund for Client Protection (TLFCP), Mr. Forsythe shall reimburse TLFCP the amount so paid.

IT IS SO ORDERED.

  
Phillip Edward Schell, Panel Chair

  
Claudia Jean Spence Jack, Panel Member


  
Kirk Vandivort, 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, Garry Christopher Forsythe, by First Class U. S. Mail addressed to him at 104 Riverbirch Lane, Hendersonville, Tennessee 37075-6721, and 139 Lake Harbor Drive, Hendersonville, Tennessee 37075, and hand-delivered to William C. Moody, Disciplinary Counsel, on this the 28<sup>th</sup> day of June, 2016.

  
Rita Webb  
Executive Secretary