

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

IN RE: MICHAEL E. GILMER,
BPR #12974, Respondent
An Attorney Licensed and
Admitted to the Practice of
Law in Tennessee
(Maury County)

DOCKET NO. 2005P-1501-6-SG

FINDINGS AND JUDGMENT OF THE HEARING PANEL

This cause was heard by a Hearing Panel of the Board of Professional Responsibility of the Supreme Court of Tennessee on September 8, 2005. This Hearing Panel, consisting of Mark Allen Rassas, Chair, Lisa Sherrill Richter and Jackie Lynn Garton, makes the following Findings of Fact and submits its Judgment as follows:

STATEMENT OF THE CASE

1. The Board of Professional Responsibility filed a Petition for Discipline against the Respondent on March 24, 2005.
2. The Respondent failed to respond to the Petition for Discipline.

3. The Board of Professional Responsibility filed a Motion for Default Judgment and that the Charges Be Deemed Admitted on April 14, 2005.
4. The Respondent failed to respond to the Motion for Default Judgment.
5. The Board of Professional Responsibility filed a Supplemental Petition for Discipline on June 29, 2005.
6. The Respondent failed to respond to the Supplemental Petition for Discipline.
7. The Board of Professional Responsibility filed a Motion for Default Judgment and That the Charges Be Deemed Admitted in Supplemental Petition for Discipline on July 26, 2005.
8. The Respondent failed to respond to the Motion for Default Judgment regarding the Supplemental Petition for Discipline.
9. The Hearing Panel entered its Order of Judgment by Default on August 23, 2005.

FINDINGS OF FACT

1. The Hearing Panel adopts Disciplinary Counsel's Findings of Fact, attached as Exhibit A, and incorporates them in this Judgment.

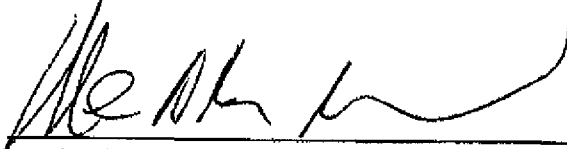
2. The Hearing Panel finds that the Board of Professional Responsibility gave appropriate notice to the Respondent, based on the Respondent's acknowledged receipt of the Petition for Discipline and that there was no indication that the Order of Judgment by Default was not received by the Respondent.
3. The Respondent has not made any response to the Order of Judgment by Default and has made no attempt to defend these charges or submit information in mitigation.
4. The Respondent has not updated his address with the Board of Professional Responsibility as required by Section 20.5 of Rule 9.
5. The Board of Professional Responsibility has submitted all notices to the address the Respondent had previously provided to the Board.
6. The Hearing Panel finds the following existing aggravating circumstances: specific and significant harm to the profession; multiple complaining parties and clients; and monetary loss to these clients.
7. The Hearing Panel finds in mitigation the Respondent's maintaining his practice for approximately fifteen (15) years.

JUDGMENT

Based upon these factors, the Hearing Panel recommends the Respondent receive a five (5) year suspension.

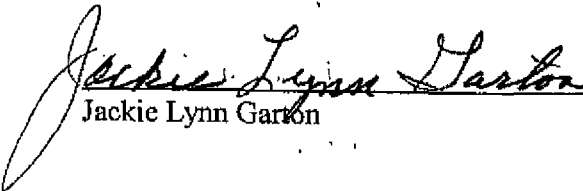
The Hearing Panel further recommends that any future Hearing Panel reviewing the Respondent's reinstatement consider:

- (a) The Respondent's restitution as determined by a court or other appropriate agency such as Lawyers Fund for Client Protection; and
- (b) The Respondent's proof of maintaining his continuing legal education;
- (c) The Respondent's proof of payment of his annual dues;
- (d) The Respondent's proof of his medical and/or mental health examination showing that the Respondent is physically and emotionally fit to practice law; and
- (e) The Respondent's supervision by a practice monitor.



Mark Allen Rassas, Chair

 by permission
Lisa Sherrill Richter 

 by permission
Jackie Lynn Garton 