

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
04/27/2026
Clerk of the
Appellate Courts

IN RE: ARTHUR C. GRISHAM, JR., BPR #001071

No. M2025-01993-SC-BAR-BP

ORDER OF ENFORCEMENT

In this matter filed by the Board of Professional Responsibility pursuant to Tennessee Supreme Court Rule 9, section 15.4(b) & (c), we consider the appropriate discipline for Tennessee attorney Arthur C. Grisham, Jr.

I. Background

On February 3, 2025, the Board of Professional Responsibility (“Board”) filed a petition for discipline against Mr. Grisham based on a complaint of misconduct from Mr. Grisham’s former clients, Robert and Retha Woods (“Complainants”). Complainants hired Mr. Grisham to represent them in a lawsuit for personal injuries and property damage. Mr. Grisham filed suit on their behalf in the Chancery Court for Hamilton County in June 2012. In February 2016, without informing the Complainants, Mr. Grisham voluntarily dismissed the case. Then, on February 28, 2017, again without telling the Complainants, Mr. Grisham refiled the lawsuit, this time in the Circuit Court for Hamilton County.

Mr. Grisham failed to comply with multiple deadlines to respond to discovery and made almost no effort to advance the litigation. Based on Mr. Grisham’s deficient performance, the trial court ultimately dismissed the lawsuit with prejudice and taxed all costs to the Complainants. Mr. Grisham did not advise the Complainants of the trial court’s judgment and, instead, appealed the dismissal without their knowledge or consent. The Court of Appeals dismissed the appeal in November 2019 because Mr. Grisham failed to file the record in the proper form and failed to comply with a court order giving him an opportunity to remedy the several defects in the filing of the record.

Mr. Grisham failed to communicate with the Complainants about the status of the litigation until the Complainants encountered him by chance in 2022. Mr. Grisham still did not inform the Complainants that the trial court and appellate court had dismissed their case. Instead, he asked the Complainants for a copy of their paperwork because he had lost it when moving offices. This was not the first time Mr. Grisham had asked the

Complainants to provide him with their paperwork, consisting of hundreds of pages of documents. Mr. Grisham had done so on several previous occasions, claiming to have lost it. In the past the Complainants had provided him with the documents. But in response to Mr. Grisham's 2022 request, the Complainants instead filed a disciplinary complaint against him with the Board. At the time they filed their complaint, the Complainants still believed their lawsuit was pending.

Disciplinary counsel sent the complaint to Mr. Grisham, but he failed to respond. In the petition for discipline filed on February 3, 2025, the Board alleged that Mr. Grisham violated several Rules of Professional Conduct ("RPC") in his representation of the Complainants, including: RPC 1.2 (scope of representation); RPC 1.3 (diligence); RPC 1.4 (communication); RPC 1.15 (safekeeping of property); RPC 3.2 (expediting litigation); RPC 3.4 (fairness to opposing party and counsel); RPC 8.1(b) (bar admissions and disciplinary matters); and RPC 8.4(d) (misconduct). Mr. Grisham failed to file an answer to the petition for discipline, and the hearing panel granted the Board's motion for default judgment and deemed all allegations of the petition admitted. The final hearing occurred on August 25, 2025, and the hearing panel issued its order on September 24, 2025.

The hearing panel found, based on the admitted allegations of the petition and supporting exhibits, that Mr. Grisham violated RPC 1.3 (diligence)¹ and RPC 1.4 (communication).²

The hearing panel next considered the ABA Standards for Imposing Lawyer

¹ RPC 1.3 provides: "**Diligence** – A lawyer shall act with reasonable diligence and promptness in representing a client."

² RPC 1.4 provides:

Communication – (a) A lawyer shall:

- (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in RPC 1.0(e), is required by these Rules;
- (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;
- (3) keep the client reasonably informed about the status of the matter;
- (4) promptly comply with reasonable requests for information; and
- (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional Conduct or other law.

(b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Sanctions (“ABA Standards”). Tenn. Sup. Ct. R. 9, § 15.4(a). The hearing panel determined that the presumptive sanction for Mr. Grisham’s violations was either disbarment or suspension, based on ABA Standards 4.41 and 4.42. ABA Standard 4.41 provides:

Disbarment is generally appropriate when: (a) a lawyer abandons the practice and causes serious or potentially serious injury to a client; or (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.

Under ABA Standard 4.42, “[s]uspension is generally appropriate when: (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client, or (b) a lawyer engages in a pattern of neglect that causes injury or potential injury to a client.”

The hearing panel identified three aggravating factors pursuant to ABA Standard 9.22, including a pattern of misconduct, Mr. Grisham’s prior disciplinary history, consisting of a 2017 private informal admonition and a May 2025 five-year active suspension for similar misconduct, and Mr. Grisham’s substantial experience in the practice of law, as he was admitted to practice in 1972. The hearing panel found no mitigating factors.

The hearing panel imposed a ten-year suspension—the longest suspension allowed in Tennessee. Tenn. Sup. Ct. R. 9, § 12.2(a)(2). On October 8, 2025, the hearing panel assessed costs of \$3,576.00 against Mr. Grisham.

Neither party appealed the hearing panel’s judgment. After the time for appeal expired, and as required by Tennessee Supreme Court Rule 9, section 15.4(b), the Board filed in this Court a notice of submission, along with copies of the petition for discipline, the hearing panel’s judgment, a protocol memorandum, and a proposed order of enforcement. The Board asked this Court to enforce the hearing panel’s judgment. Although section 15.4(b) authorizes attorneys to file responses within ten days, Mr. Grisham did not do so. Tenn. Sup. Ct. R. 9, §15.4(b).

We reviewed the matter “with the purpose of attaining uniformity of punishment throughout the State and appropriateness of punishment under the circumstances of each particular case,” Tenn. Sup. Ct. R. 9, §15.4(b). On January 15, 2026, we filed an order expressing concern that the sanction imposed was too lenient and proposing to increase the sanction to permanent disbarment. We directed the Board to file the record of the

disciplinary hearing with the Appellate Court Clerk within thirty days of the date of the order, directed Mr. Grisham to file a brief within twenty days of the date of the filing of the record, and directed the Board to file its brief within twenty days of the date of Mr. Grisham filing his brief. We explained that the matter would be submitted for decision on briefs, without oral argument. Tenn. Sup. Ct. R. 9, §15.4(b), (c).³

Mr. Grisham failed to file a brief and has offered no response whatsoever to this Court's order. The Board filed a brief on March 25, 2026, contending that an analysis of comparative discipline in similar Tennessee cases supports increasing Mr. Grisham's sanction to permanent disbarment. We agree.

II. Standard of Review

In matters coming before us pursuant to Tenn. Sup. Ct. R. 9, section 15.4(b) & (c), we review the hearing panel's recommended punishment de novo. *In re Walwyn*, 531 S.W.3d 131, 137 (Tenn. 2017). We consider "all of the circumstances of the particular case and also, for the sake of uniformity, sanctions imposed in other cases presenting similar circumstances." *In re Cope*, 549 S.W.3d at 74 (quoting *Bd. of Pro. Resp. v. Allison*, 284 S.W.3d 316, 327 (Tenn. 2009)). We "may modify the judgment of the hearing panel . . . in such manner as [we] deem[] appropriate." Tenn. Sup. Ct. R. 9, § 15.4(c). Petitions

³ Tennessee Supreme Court Rule 9, section 15.4(b) and (c) govern the proceedings in this Court and provide in pertinent part:

The Court shall review the recommended punishment provided in such judgment with a view to attaining uniformity of punishment throughout the State and appropriateness of punishment under the circumstances of each particular case. The Court may direct that the transcript or record of any proceeding be prepared and filed with the Court for its consideration.

If the Court finds that the punishment imposed under subsection (b) appears to be inadequate or excessive, it shall issue an order advising the Board and the respondent attorney that it proposes to increase or to decrease the punishment. If the Court proposes to increase the punishment, the respondent attorney shall have twenty days from the date of the order to file a brief and request oral argument; if the Court proposes to decrease the punishment, the Board shall have twenty days from the date of the order within which to file a brief and request oral argument. Reply briefs shall be due within twenty days of the filing of the preceding brief. If a party requests oral argument, the Court may grant it. Upon termination of such proceedings as are requested, the Court may modify the judgment of the trial court in such manner as it deems appropriate. There shall be no petition for rehearing.

Tenn. Sup. Ct. R. 9, § 15.4(b), (c).

for rehearing are not permitted. *Id.*

III. Analysis

Because Mr. Grisham did not respond to the complaint or the petition for discipline, and filed no response or brief in this Court, there are essentially no factual or legal disputes. Without question, Mr. Grisham violated RPC 1.3 (diligence) and RPC 1.4 (communication).

The hearing panel here appropriately considered both ABA Standards 4.41 and 4.42. *Bd. of Pro. Resp. v. Daniel*, 549 S.W.3d 90, 102 (Tenn. 2018) (explaining that hearing panels should identify all relevant ABA Standards and then determine a sanction within the range of the presumptive sanctions identified in the relevant ABA Standards).

After identifying both potential presumptive sanctions, the hearing panel held that ABA Standard 4.42, under which suspension is the presumptive sanction, was appropriate for Mr. Grisham's misconduct. It reasoned:

ABA Standard 4.4 prescribes the necessary conditions which merit disbarment, suspension, reprimand, and admonition. The distinctions are subtle. An isolated lack of diligence, as opposed to a "pattern," merits a reprimand. (ABA Standard 4.43). Respondent's pattern of neglect in the present case forecloses a reprimand. If a "pattern of neglect" causes "injury," then suspension is "generally appropriate." (ABA Standard 4.42). But if the same "pattern of neglect" causes "serious injury," disbarment is "generally appropriate." (ABA Standard 4.41). The ABA Standards define "injury" as follows:

"Injury" is harm to a client, the public, the legal system, or the profession which results from a lawyer's misconduct. The level of injury can range from "serious" injury to "little or no" injury; a reference to "injury" alone indicates any level of injury greater than "little or no" injury.

On the one hand, the definition is a triumph of imprecision; on the other, it concedes broad discretion to the Panel.

In the present case, there is at least some "injury:" Respondent's clients never had their day in Court. That reality prevailing, however, the Panel cannot determine whether Respondent's lack of diligence caused "serious" injury because it cannot determine the merits of the dismissed litigation. Had the underlying case resulted in a defense verdict, for example,

the injury would not be “serious.” The Panel is therefore unable to conclude by a preponderance of the evidence that disbarment is the appropriate sanction. The Panel finds that Respondent engaged in a “pattern of neglect which caused “injury” to his clients. The Panel finds further that Respondent acted “knowingly.” Respondent’s misconduct therefore merits a suspension.

The reasoning of the hearing panel is flawed on several fronts. First, in assessing whether suspension or disbarment should be the presumptive sanction, the panel found the proof insufficient to find the Complainants suffered “serious injury” because the Board did not prove “the merits of the dismissed litigation.” Perhaps this might be relevant in the context of attorney malpractice litigation, where the plaintiff must prove damages, but in the context of attorney discipline, it is not. Here, thanks to Mr. Grisham, the Complainants lost their *entire claim*. Both the dismissal and the judgment taxing costs were injurious to the Complainants. This is serious injury by any measure, sufficient to warrant application of ABA Standard 4.41 identifying disbarment as the appropriate presumptive sanction.

Furthermore, Mr. Grisham’s years’ long mishandling and neglect of Complainants’ case, and his accompanying obfuscation, also is a serious injury to the legal system and the profession. It is a violation of his oath. It wasted judicial resources and resulted in useless effort by opposing counsel and, in addition to betraying his clients’ trust, breached his duty to aid the administration of justice in Tennessee. *See* Tenn. Sup. Ct. R. 9, § 1 (stating that the license to practice law is a “continuing proclamation” by this Court that the holder is “fit to be entrusted with professional and judicial matters and to aid in the administration of justice as an attorney and as an officer of the Court.”); *Mabry v BPR*, 458 S.W.3d 900, 911 (Tenn. 2014) (discussing injury to the legal system).

But even if suspension had been the correct presumptive sanction, the circumstances warrant disbarment. ABA Standard 9 provides for increasing or decreasing a presumptive sanction in response to the presence or absence of aggravating and mitigating factors. *Bd. of Pro. Resp. v. Cowan*, 388 S.W.3d 264, 268 (Tenn. 2012). The proof clearly established three aggravating factors, including Mr. Grisham’s significant disciplinary history, and no mitigating factors.

Here, Mr. Grisham’s long pattern of misconduct that was the subject of this complaint was egregious. For years Mr. Grisham failed to advance the Complainants’ lawsuit and failed to communicate with them about their lawsuit. Not only was their lawsuit dismissed with prejudice before a hearing on the merits due to Mr. Grisham’s failure to comply with discovery deadlines, but the costs of the lawsuit also were taxed to the Complainants. Even after this, Mr. Grisham failed to communicate with them. Instead, he pursued an appeal without their knowledge or consent. His failures at the appellate level resulted in the dismissal of even this unauthorized appeal.

Moreover, Mr. Grisham's misconduct in the Complainants' lawsuit was no isolated mistake. As the hearing panel acknowledged, in May 2025, he received a *five-year suspension for similar misconduct*. This is extremely serious prior misconduct that indicates further suspension is unlikely to result in Mr. Grisham's rehabilitation. Even after having determined a baseline sanction of suspension, the hearing panel here gave no reason for failing to increase the sanction beyond suspension. True, the hearing panel imposed the longest suspension Tennessee law allows, but with such serious aggravating circumstances and no mitigating circumstances, increasing the sanction from suspension to disbarment was the appropriate ruling.

While the hearing panel does not consider comparative cases, this Court does. As the Board points out, a comparative analysis of similar cases illustrates that permanent disbarment is the appropriate sanction in these circumstances. For example, this Court affirmed disbarment as the appropriate sanction for an attorney who failed to communicate with his clients; failed to respond to multiple motions filed against his clients; failed to submit timely discovery responses; failed to participate in court-scheduled conference calls; caused his client's lawsuit to be dismissed with prejudice; failed to comply with court orders; failed to preserve his client's property; failed to respond to disciplinary investigations; and failed to move the clients' cases forward. Five aggravating factors, including a history of prior discipline, applied to the attorney's conduct, and no mitigating factors were applicable. *In re: Marshall*, No. M2025-00680-SC-BAR-BP (Tenn. May 20, 2025).

In another matter, the attorney abandoned his client and the case during pending litigation; failed to respond to communications from the client; failed to turn over the client's file and property to successor counsel; failed to notify a client of the attorney's suspension from the practice of law; and failed to respond to the Board regarding the disciplinary complaint. Four aggravating factors applied to the attorney's misconduct, and no mitigating factors were applicable. This Court affirmed disbarment as the appropriate sanction. *In re: Crabtree*, No. M2025-00639-SC-BAR-BP (Tenn. May 16, 2025).

This Court also increased a sanction from suspension to permanent disbarment in another case involving similar misconduct. In that case, an attorney failed to file pleadings on behalf of two clients; knowingly failed to communicate information about the cases to the clients; knowingly failed to perform the services for which the client paid her, which harmed the client; knowingly misled a client to believe she would provide a refund; knowingly failed to respond to a client's written communication; either knowingly failed to be aware of a trial setting or knowingly failed to communicate this information to the client; essentially abandoned a client; and failed to file an answer to the petition for discipline or to participate in the final hearing. *In re: Finney*, No. M2023-00539-SC-BAR-BP, at *1-2 (Order of Enforcement) (Tenn. June 27, 2023). The hearing panel found six

applicable aggravating factors and no mitigating factors but imposed a six-year suspension, with five years served on active suspension. *Id.* at *3-4. This Court increased the sanction to permanent disbarment. *Id.* at *4. This Court explained that “the proof clearly established six aggravating factors, including [the lawyer’s] significant disciplinary history, and no mitigating factors.” *Id.* at *5. Based on the facts of that case, “including the persistent misconduct that pervaded [the lawyer’s] handling of the two client matters from which th[e] disciplinary proceeding arose, the aggregate weight of the six aggravating factors, and the absence of any mitigating factors,” this Court held that “the ABA Standards clearly warrant permanent disbarment, not suspension.” *Id.*

Like the attorneys in these prior similar cases, Mr. Grisham engaged in pervasive misconduct that continued for several years and caused actual harm to his clients. No mitigating factors were identified. The ABA Standards clearly warrant permanent disbarment, rather than suspension, and a comparative analysis of similar cases also justifies permanent disbarment. Accordingly, the judgment of the hearing panel is modified to permanently disbar Arthur C. Grisham, Jr. Tenn. Sup. Ct. R. 9, § 12.1.

Mr. Grisham shall comply in all respects with Tenn. Sup. Ct. R. 9, § 28 regarding the obligations of disbarred attorneys.

Pursuant to Tenn. Sup. Ct. R. 9, § 31.3, Mr. Grisham shall pay the Board expenses and costs it has incurred to date in this matter in the amount of \$3,576.00, which includes \$100.00 for the cost of filing in this Court and shall pay to the Clerk of this Court any additional court costs incurred herein. All costs, fees, and expenses awarded or assessed herein shall be paid within ninety days of the entry of this Order for which execution, if necessary, may issue.

The Board shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 28.11.

Pursuant to Tenn. Sup. Ct. R. 9, § 28.1, this Order shall be effective upon entry.

It is so ORDERED.

PER CURIAM