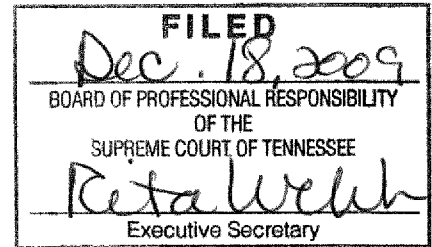


IN DISCIPLINARY DISTRICT V
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE



IN RE: ANNA E. HAAS, Respondent
BPR No. 20069, An Attorney
Licensed to Practice Law
in Tennessee
(Davidson County)

DOCKET NO. 2009-1813-5-RS

FINDINGS AND JUDGMENT OF THE HEARING PANEL

This matter came to be heard on Friday, November 6, 2009 before a duly appointed Hearing Panel of the Board of Professional Responsibility of the Tennessee Supreme Court consisting of William Harbison, Courtney Hollins, and Mark LeVan. Based upon the evidence submitted at that hearing, the argument of counsel and the complete record of this matter, the Hearing Panel makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. The Respondent, Anna E. Haas, is an attorney admitted by the Supreme Court of Tennessee to practice law in the State of Tennessee. The Respondent's most recent address as registered with the Board of Professional Responsibility is P.O. Box 293175, Nashville, TN 37229, being in Disciplinary District V. The Respondent's Board of Professional Responsibility number is 20069.

2. Pursuant to Section 1 of Rule 9, any attorney admitted to practice law in Tennessee is subject to the disciplinary jurisdiction of the Supreme Court, the Board of Professional Responsibility, the Hearing Committee, hereinafter established, and the Circuit and Chancery Courts.

3. Pursuant to Section 3 of Rule 9, the license to practice law in this state is a privilege and it is the duty of every recipient of that privilege to conduct himself or herself at all times in conformity with the standards imposed upon members of the bar as conditions for the privilege to practice law. Acts or omissions by an attorney which violate the Rules of Professional Conduct of the State of Tennessee shall constitute misconduct and be grounds for discipline.

4. On April 6, 2009, a Petition for Discipline was filed by the Board alleging violations of Rules of Professional Conduct 1.1, 1.3, 1.4, 1.15(b), 1.16, and 8.4.

5. The Respondent failed to answer or respond to the Petition for Discipline.

6. On August 11, 2009, the Board filed a Motion for Default Judgment and that Allegations Contained in Petition for Discipline be Deemed Admitted.

7. The Respondent failed to respond to the Motion for Default and at hearing was set for its consideration on November 6, 2009.

8. The Respondent failed to appear at the November 6, 2009 hearing.

9. The Motion for Default was granted by the Hearing Panel and the allegations alleged in the Petition were deemed admitted.

CONCLUSIONS OF LAW

10. The failure to respond by Respondent results in the granting of a default judgment such that she is found to have acted and omitted to act as outlined in the findings of fact above which constitute ethical misconduct in violation of Rules of Professional Conduct 1.1, 1.3, 1.4, 1.15(b), 1.16 and 8.4 as set forth below:

Rule 1.1 COMPETENCE

A lawyer shall provide competent representation to a client. Competent representation requires the legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

Rule 1.3 DILIGENCE

A lawyer shall act with reasonable diligence and promptness in representing a client.

Rule 1.4 COMMUNICATION

- (a) A lawyer shall keep a client reasonably informed about the status of a matter and comply with reasonable requests for information within a reasonable time.
- (b) A lawyer shall explain a matter to the extent reasonably necessary to permit the client to make informed decisions regarding the representation.

Rule 1.15 SAFEKEEPING PROPERTY

(a)...

(1) ...

(i) (i)-(iii) ...

- (b) Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in this Rule or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such funds or other property. If a dispute arises between the client and a third person with respect to their respective interests in the funds or property held by the lawyer, the portion in dispute shall be kept separate and safeguarded by the lawyer until the dispute is resolved.

(c)...

Rule 1.16 DECLINING AND TERMINATING REPRESENTATION

(a)....

(b)....

(c)....

- (d) Upon termination of the representation of a client, a lawyer shall take steps to the extent reasonably practicable to protect a client's interests, including:
 - (1) giving reasonable notice to the client so as to allow time for the employment of other counsel;
 - (2) promptly surrendering papers and property of the client and any work product prepared by the lawyer for the client and for which the lawyer has been compensated;

- (3) promptly surrendering any other work product prepared by the lawyer for the client, provided, however, that the lawyer may retain such work product to the extent permitted by other law but only if the retention of the work product will not have a materially adverse affect on the client with respect to the subject matter of representation;
- (4) promptly refunding to the client any advance payment for expenses that have not been incurred by the lawyer; and
- (5) promptly refunding any advance payment for fees that have not been earned.

Rule 8.4 MISCONDUCT

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;
- (d) engage in conduct that is prejudicial to the administration of justice;
- (e) attempt to, or state or imply an ability to influence a tribunal or a governmental agency or official on grounds unrelated to the merits of, or the procedures governing, the matter under consideration;
- (f) knowingly assist a judge or judicial officer in conduct that is a violation of applicable rules of judicial conduct or other law; or
- (g) knowingly fail to comply with a final court order entered in a proceeding in which the lawyer is a party, unless the lawyer is unable to comply with the order or is seeking in good faith to determine the validity, scope, meaning, or application of the law upon which the order is based.

11. The Hearing Panel further finds that the following ABA Standards for Imposing

Lawyer Sanctions are applicable in this case:

Section 4.12 of the ABA Standards states:

Suspension is generally appropriate when a lawyer knows or should know that he is dealing improperly with client property and causes injury or potential injury to a client.

Section 4.42 of the ABA Standards state:

Suspension 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 and causes injury or potential injury to a client.

Section 7.2 of the ABA Standards states:

Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed to the profession, and causes injury or potential injury to a client, the public or the legal system.

12. The Hearing Panel further finds that the violations set forth above and the Respondent's failure to comply with and respond to the requests of the Board and Disciplinary Counsel are of such a serious nature that a suspension of such length as to require the Respondent to petition for reinstatement to the practice of law is imperative.

ACCORDINGLY, based upon the entire record of this case and the appropriate ABA Standards as set forth above, the Hearing Panel hereby recommends that the Respondent be suspended from the practice of law of two (2) years from the date of this Order.

ENTERED ON THIS THE 18th DAY OF Dec., 2009

William L. Harbison, with permission
William L. Harbison, Esq. *by N. Hollins*
Chairman of the Hearing Panel

N. Courtney Hollins
N. Courtney Hollins, Esq.
Hearing Panel Member

Mark S. LeVan, with permission
Mark S. LeVan, Esq. *by N. Hollins*
Hearing Panel Member