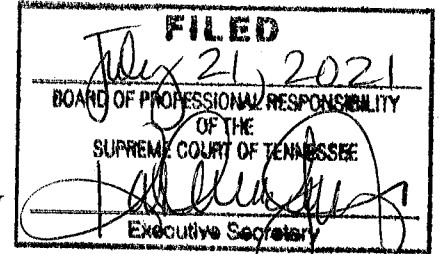


**IN DISCIPLINARY DISTRICT II
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**



**IN RE: ANDREW NATHAN HALL
 BPR No. 013481 Respondent,
 an Attorney Licensed to Practice
 Law in Tennessee
 (Roane County)**

DOCKET No. 2020-3113-2-AW

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

This matter came before a duly appointed Hearing Panel of the Tennessee Board of Professional Responsibility composed of James C. Cone, Esq. (Hearing Panel Chair), Clifton J. Woodfin, Esq. (Hearing Panel Member), and W. Dale Amburn, Esq. (Hearing Panel Member) for a final hearing by telephone on Thursday, June 24, 2021 upon the Petition for Discipline filed on August 19, 2020 and the Supplemental Petition for Discipline filed on January 13, 2020 against the Respondent, Andrew Nathan Hall.

Pursuant to Tenn. Sup. Ct. R. 9, § 15.3(a), the duly appointed Hearing Panel hereby submits its findings and judgment in the form of a final decree of a trial court to the Board of Professional Responsibility within 30 days after the conclusion of the telephonic hearing on June 24, 2021.

FINDINGS OF FACT

A Petition for Discipline , Docket Number 2020-3113-2-AW, was filed on August 19, 2020

against the Respondent and was served upon him.

A Supplemental Petition for Discipline, Docket Number 2020-3113-2-AW, was filed on January 13, 2020 against the Respondent and was served upon him.

A Motion for Default Judgment and That the Charges and Petition for Discipline and Supplemental Petition for Discipline be Deemed Admitted was filed by Disparate Counsel on March 11, 2021.

On April 26, 2021, the Hearing Panel Members were appointed to the Hearing Panel and thereafter, James C. Cone, Esq. was elected as Chairman of the Hearing Panel.

On April 26, 2021, the Hearing Panel entered an Order for Default Judgment because the Respondent did not file an Answer or other responsive pleading to the Petition or the Supplemental Petition. The April 26, 2021 Order for Default Judgment entered a default judgment against the Respondent and that all allegations contained in the Petition for Discipline and the Supplemental Petition for Discipline redeemed admitted.

A final hearing was scheduled for June 24, 2021 by telephone. Respondent was provided notice of the hearing. The Hearing Panel waited approximately 20 minutes for the Respondent to join the final hearing by telephone, but the Respondent did not make an appearance at the final hearing by telephone in person or by counsel. Disciplinary Counsel, A. Russell Willis, Esq. appeared by telephone on behalf of the Board of Professional Responsibility.

Disciplinary Counsel for the Board of Professional Responsibility offered the following 11 Exhibits at the hearing on June 24, 2021:

- Exhibit 1: Petition for Discipline in File Number 62442c-2-ES consisting of one complaint

from Julie Ann West

- Exhibit 2: Supplemental Petition for Discipline in File Number 6459-2-ES consisting of one complaint from Billy and Charleene Richardson
- Exhibit 3: Order for Temporary Suspension Filed September 4, 2020
- Exhibit 4: Certified Copy of Private Informal Admonition in File Number 19889-2-JW dated April 4, 1999
- Exhibit 5: Certified Copy of Private Informal Admonition in File Number 22514-2-TC dated July 17, 2001
- Exhibit 6: Certified Copy of Private Informal Admonition in File Number 23323-2-TC dated December 18, 2002
- Exhibit 7: Certified Copy of Private Informal Admonition in File Number 30504-2-TH dated May 2, 2008
- Exhibit 8: Certified Copy of Public Censure in File Number 32905-2-JV filed July 21, 2010
- Exhibit 9: Certified Copy of Private Informal Admonition in File Number 34403-2-PS dated December 14, 2011
- Exhibit 10: Certified Copy of Private Informal Admonition in File Number 36377c-2-PS dated October 24, 2013
- Exhibit 11: Certified Copy of Public Censure in File Number 37464-2-PS dated February 12, 2015

There being no objection at the telephonic hearing to any of the exhibits filed by Disciplinary Counsel for the Board of Responsibility, each of the Exhibits were admitted.

FILE No. 62442c-2-ES-Julie Ann West

The Hearing Panel thoroughly reviewed the proposed findings of fact filed by Disciplinary Counsel on July 9, 2021 regarding the Petition for Discipline in file number 62442c-2-ES submitted by Julie Ann West and the Exhibits submitted in support thereof. The Hearing Panel finds that the Board of Professional Responsibility carried its burden of proving by preponderance of the evidence all of the facts stated in paragraphs 4 through 36 of the Board of Professional Responsibility's Proposed Findings of Fact and Conclusions of Law filed on July 9, 2021.

Therefore, the Hearing Panel adopts and incorporates herein by reference all of the facts stated in paragraphs 4 through 36 of the Board of Professional Responsibility's Proposed Findings of Fact and Conclusions of Law filed on July 9, 2021 as the unanimous findings of fact by the Hearing Panel.

FILE No. 64594-2-Billy and Charldeene Richardson

The Hearing Panel thoroughly reviewed the proposed findings of fact filed by Disciplinary Counsel on July 9, 2021 regarding the Petition for Discipline in file number 64594-2-ES submitted by Billy Richardson and Charldeene Richardson. The Hearing Panel finds that the Board of Professional Responsibility carried its burden of proving by preponderance of the evidence all of the facts stated in paragraphs 37 through 49 of the Board of Professional Responsibility's Proposed Findings of Fact and Conclusions of Law filed on July 9, 2021.

Therefore, the Hearing Panel adopts and incorporates herein by reference all of the facts stated in paragraphs 37 through 49 of the Board of Professional Responsibility's Proposed Findings of Fact and Conclusions of Law filed on July 9, 2021 as the unanimous findings of fact of the Hearing Panel.

CONCLUSIONS OF LAW

1. The Hearing Panel unanimously concludes that pursuant to Tenn. Sup. Ct. Rules 9, §§ 1, 8.1, and 11.1, attorneys admitted to practice law in Tennessee are subject to the disciplinary jurisdiction of the Tennessee Supreme Court, the Board of Professional Responsibility, the Hearing Panel, and the Circuit and Chancery Courts of Tennessee. Furthermore, a Tennessee licensed to practice law in the state is a privilege, and it is the duty of every recipient of that privilege to act, at all times, both professionally and personally, in conformity with the standards imposed on members of the bar as conditions for the privilege to practice law. Finally, acts or omissions by an attorney which violate the Rules of Professional Conduct of the State of Tennessee constitute misconduct and grounds for discipline.

2. The Hearing Panel unanimously concludes that the Board of Professional Responsibility sustained its burden of proving by a preponderance of the evidence submitted at the final hearing on June 24, 2021 that on November 6, 2018, the Respondent was administratively suspended from the practice of law for nonpayment of his annual Board of Professional Responsibility fees, and, pursuant to the Order of the Supreme Court, was required to comply with Tenn. Sup. Ct. R. 9 § 28 regarding notice to his clients of his suspension, withdrawal from the representation, and refunding of unearned fees.

3. The Hearing Panel unanimously concludes that Board of Professional Responsibility sustained its burden of proving by a preponderance of the evidence submitted at the final hearing on June 24, 2021 that the Respondent unreasonably delayed in setting Julie Ann West's and Joey Michael West's matter for hearing; failed to reasonably communicate with his clients; knowingly failed to comply with an Order of the Tennessee Supreme Court and Tenn. Sup. Court R. 9, § 28; knowingly failed to notify his clients and opposing counsel of his suspension

from the practice of law, withdraw from the representation, and refund unearned fees to his clients; knowingly failed to provide legal services for which he had been retained and collected and unreasonable fee of \$2,500.00; knowingly misled his clients to believe that he was an active licensed attorney; knowingly misled his clients regarding the referral of their case to another attorney; and knowingly failed to provide a response to the Board of Professional Responsibility regarding the Petition for Discipline in violation of RPC 1.3 (diligence); RPC 1.4 (communication); RPC 1.5 (fees); RPC 1.16 (declining or terminating representation); RPC 3.2 (expediting litigation); RPC 3.4 (fairness to opposing parties and counsel); RPC 8.1 (bar admissions and disciplinary matters), and RPC 8.4 (misconduct).

4. The Hearing Panel unanimously concludes that the Board of Professional Responsibility sustained its burden of proving by a preponderance of the evidence submitted at the final hearing on June 24, 2021 that the Respondent knowingly misled his clients, Billy and Chardeene Richardson, to believe that a petition for bankruptcy had been filed on their behalf; knowingly failed to timely file the Petition for bankruptcy; failed to reasonably communicate with his clients; knowingly failed to comply with an Order of the Tennessee Supreme Court and Tenn. Sup. Ct. R. 9, § 28; knowingly failed to notify his clients of his suspension from the practice of law, withdraw from the representation, and refund unearned fees; knowingly failed to provide legal services for which he had been retained and collected and unreasonable fee of \$1,640.00; knowingly misled his clients to believe that he was an active licensed attorney; knowingly failed to provide his clients with material information such that they could make informed decisions regarding the representation and their bankruptcy; and knowingly failed to provide a response to the Board of Professional Responsibility regarding the Supplemental Petition for Discipline in violation of RPC 1.3 (diligence); RPC 1.4 (communication); RPC 1.5 (fees); RPC 1.16 (declining

or terminating representation); RPC 3.2 (expediting litigation); RPC 3.4 (fairness to opposing parties and counsel); RPC 8.1 (bar admissions and disciplinary matters), and RPC 8.4 (misconduct).

5. Pursuant to Tenn. Sup. Ct. R. 9, § 8.4, the Hearing Panel unanimously concludes that appropriate discipline must be based upon consideration and application of the ABA Standards for Imposing Lawyer Sanctions (“ABA Standards”).

6. The Hearing Panel unanimously concludes that by preponderance of the evidence presented at the June 24, 2021 final hearing, the following ABA Standards are applicable and relevant to the Hearing Panel’s determination of the appropriate discipline to be imposed against the Respondent:

- 4.41 Disbarment is generally appropriate when:
 - (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.
- 4.61 Disbarment is generally appropriate when a lawyer knowingly deceives a client with the intent to benefit the lawyer or another, and causes serious injury or potential serious injury to a client.
- 6.21 Disbarment is generally appropriate when a lawyer knowingly violates a court order or rule with the intent to obtain a benefit for the lawyer or another, and causes serious injury or potentially serious injury to a party, or causes serious or potentially serious interference with a legal proceeding.
- 7.1 Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation to the duty owed to the profession with the intent to obtain a benefit for the lawyer or another and causes serious or potentially serious injury to a client, the public, or the legal system.

7. The Hearing Panel unanimously concludes that pursuant to ABA Standard 9.22, the Board of Professional Responsibility sustained its burden of proving by preponderance of the evidence presented at the final hearing on June 24, 2021 that the following aggravating factors should be considered by the Hearing Panel to determine the appropriate discipline to be imposed against the Respondent.

- a. The Respondent's multiple offenses are an aggravating circumstance justifying an increase in the degree of discipline to be imposed.
- b. The Respondent has a significant history of prior disciplinary offenses justifying an increase in the degree of discipline to be imposed. Those prior disciplinary offenses include
 - i. Private Informal Admonitions as shown in Exhibits, 4, 5, 6, 7, 9, and 10 admitted without objection at the final hearing on June 24, 2021; and
 - ii. Public Censures submitted as shown in Exhibits 8 and 11 admitted without Objection of the Final Hearing on June 24, 2021.

8. The Hearing Panel unanimously concludes that Respondent had been licensed as an attorney in the state of Tennessee since 1988, and the Respondent's pattern of misconduct is an aggravating circumstance justifying an increase in the degree of discipline to be imposed.

9. Pursuant to ABA Standard 9.32, the Hearing Panel unanimously concludes that the following mitigating factors were appropriate to be considered by the Hearing Panel in order to determine the appropriate discipline to be imposed against the Respondent:

- a. Mr. Hall apparently suffered from poor health during a portion of the representation of his clients.

JUDGMENT

Having thoroughly considered the appropriate sanction to be disbarment from the practice of law and upon consideration of the undisputed facts, the aggravating and mitigating factors presented, the applicable Rules of Professional Conduct, and the ABA Standards, the Hearing Panel unanimously concludes and recommends that the Respondent committed disciplinary misconduct and should be permanently disbarred from the practice of law.

Finally, the Hearing Panel unanimously concludes and recommends that the Respondent shall pay restitution to Julie and West and Joey Michael West in the amount of \$2,500.00 and shall pay restitution to Billy and Charleene Richardson in the amount of \$1,640.00.

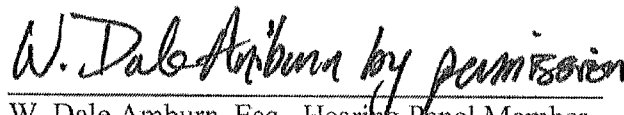
IT IS SO ORDRED, this 21st of July, 2021.



James C. Cone, Esq., Hearing Panel Chair



Clinton J. Woodfin, Esq., Hearing Panel Member



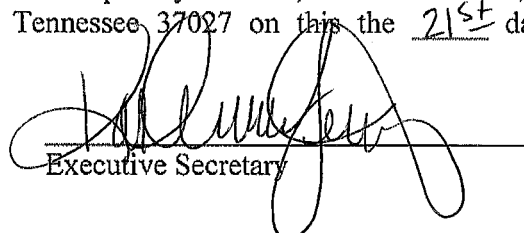
W. Dale Amburn, Esq., Hearing Panel Member

NOTICE

This Judgment may be appealed pursuant to Tenn Sup. Ct. R. 9, § 33, by filing a Petition for Review in the Circuit or Chancery Court within sixty (60) days of the entry of the Hearing Panel's Judgment.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been sent the Respondent, Andrew Nathan Hall, Esq. at P.O. Box 345 Wartburg, Tennessee 37887-0345 and 171 Petros Joyner School Road, Oliver Springs, Tennessee 37840-3716 by hand delivery to Disciplinary Counsel, A. Russell Willis, Esq., at 10 Cadillac Drive, Suite 220, Brentwood, Tennessee 37027 on this the 21st day of July, 2021.



Executive Secretary