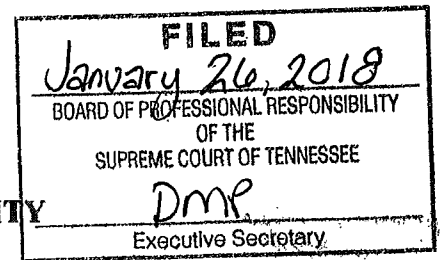


**IN DISCIPLINARY DISTRICT II
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**



**IN RE WESLEY LYNN HATMAKER
BPR No. 14880, Respondent
an Attorney licensed to Practice
Law in Tennessee
(Campbell County)**

DOCKET NO. 2017-2738-2-AJ

NOTICE: This judgment may be appealed pursuant to Tenn. Sup. Ct. R. 9, § 1.3, by filing a Petition for Writ of Certiorari, which petition shall be made under oath or affirmation and shall state that it is the first application for the Writ. See Tenn. Code Ann. § 27-8-104(a) and 27-8-106

**FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT
OF THE HEARING PANEL**

This matter was heard by telephone conference on December 20, 2017 for final hearing pursuant to the Board's Petition for Discipline filed June 29, 2017 and the Order Granting Motion for Default filed November 13, 2017. The matter was heard before the hearing panel composed of Carrie S. O'Rear, John P. Dreiser, and James G. O'Kane, Jr., Panel Chair. The Board was represented by Krisann Hodges, Deputy Chief Disciplinary Counsel. Wesley Lynn Hatmaker appeared pro se.

STATEMENT OF THE CASE

A Petition for Discipline was filed against Mr. Hatmaker on June 29, 2017. Mr. Hatmaker did not file a response or otherwise answer the Petition, and a Default Judgment was entered against him on November 13, 2017. Pursuant to the Default Judgment, all allegations contained

in the Petition for Discipline are deemed admitted. The hearing was convened to determine the discipline to be imposed in this matter. The December 20, 2017 hearing was recessed and remained open pending receipt of the proposed Findings of Fact, Conclusions of Law, and Judgment from the Board and Respondent. The Board filed its proposed Findings of Fact, Conclusions of Law, and Judgment on December 22, 2017. As of January 17, 2018, the Respondent has not filed a proposed Findings of Fact, Conclusions of Law, and Judgment, and the deadline for such filing has passed.

FINDINGS OF FACT

FILE NO. 50695c-2-KB – COMPLAINANT – DENFORD PHILLIPS

The allegations in the Petition for Discipline contained in paragraphs 5-13 are deemed admitted by entry of the Default Judgment, and those allegations are incorporated herein by reference as though fully set forth herein as the findings of fact by this Hearing Panel.

At the December 20, 2017 hearing, Mr. Hatmaker, representing himself, did not contest the allegations or the entry of the default judgment and admitted the allegations in the Petition for Discipline.

FILE NO. 51180-2-KB – INFORMANTS – HON. DEBORAH STEVENS and WILLIAM CREMINS, ESQ.

By order of default entered November 13, 2017, the allegations in the Petition for Discipline are deemed admitted. The allegations in the Petition for Discipline contained in paragraphs 22-38 are adopted and incorporated herein by reference as though fully set forth herein as the hearing panel's Findings of Fact.

At the December 20, 2017 hearing, Mr. Hatmaker, representing himself, did not contest the allegations or the entry of the default judgment and admitted the allegations in the Petition for Discipline.

CONCLUSIONS OF LAW

Pursuant to Tenn. S. Ct. R. 9, § 3, 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 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 (hereinafter "RPC") of the State of Tennessee shall constitute misconduct and be grounds for discipline.

Based upon the admitted allegations in the Petition for Discipline, the exhibits filed by the Board, and the hearing panel's consideration of statements made by counsel for the Board and respondent at the hearing, and consideration of the proposed Findings of Fact, Conclusions of Law, and Judgment submitted by the Board, the Hearing Panel makes the following Conclusions of Law in this matter:

FILE NO. 50695c-2-KB – COMPLAINANT – DENFORD PHILLIPS

1. By failing to perform the work for which he was retained by Denford Phillips, Mr. Hatmaker violated RPC 1.3 (Diligence).
2. By failing to respond to Mr. Phillips' efforts to communicate with him, Mr. Hatmaker violated RPC 1.4(a) (Communication).
3. By failing to perform any work for the fee he was paid by Mr. Phillips, Mr. Hatmaker violated RPC 1.5 (Fees).
4. By failing to properly terminate the attorney-client relationship and refund the unearned fee of \$1,200.00 to Mr. Phillips, Mr. Hatmaker violated RPC 1.16(d) (Declining and Terminating Representation).
5. By misrepresenting to Mr. Phillips that he would provide a receipt for payment and a refund, neither of which he did, Mr. Hatmaker violated RPC 8.4(c) (Misconduct).

6. By failing to notify Mr. Phillips of his disbarment, Mr. Hatmaker violated RPC 8.4(g) (Misconduct).

7. By failing to respond to the Board's request for information in the Denford Phillips complaint, Mr. Hatmaker violated RPC 8.1(b) (Bar Admission and Disciplinary Matters).

**FILE NO. 51180-2-KB – INFORMANTS – HON. DEBORAH STEVENS
and WILLIAM CREMINS, ESQ.**

8. By failing to perform the work for which he was retained in the Oranga Stanfill case, Mr. Hatmaker violated RPC 1.3 (Diligence).

9. By misrepresenting the status of the case to Ms. Stanfill, Mr. Hatmaker violated RPC 1.4(a) (Communication) and RPC 8.4(c) (Misconduct).

10. By failing to perform any work for the fee he was paid by Ms. Stanfill, Mr. Hatmaker violated RPC 1.5 (Fees).

11. By failing to properly terminate his relationship with Ms. Stanfill and refund the unearned fee, Mr. Hatmaker violated RPC 1.16(d) (Declining and Terminating Representation).

12. By failing to notify Ms. Stanfill of his disbarment, Mr. Hatmaker violated RPC 8.4(g) (Misconduct).

13. By failing to respond to the Board's request for information in Ms. Stanfill's complaint, Mr. Hatmaker violated RPC 8.1(b) (Bar Admission and Disciplinary Matters).

IMPOSITION OF DISCIPLINE

14. When disciplinary violations have been established as in this case, the appropriate discipline must be based upon application of the ABA Standards for Imposing Lawyer Sanctions ("ABA Standards"), pursuant to § 15.4, Rule 9 of the Rules of the Supreme Court.

15. The following ABA Standards apply in this matter:

4.41 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.

16. Pursuant to ABA Standard 9.22, the following aggravating factors are present in this case:

- (a) prior disciplinary offenses;
- (b) pattern of misconduct;
- (c) multiple offenses;
- (d) bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency;
- (e) vulnerability of victim;
- (f) substantial experience in the practice of law; and
- (g) indifference to making restitution.

17. Mr. Hatmaker was licensed to practice law in 1991 and was an attorney with substantial experience. Mr. Hatmaker committed multiple violations and his handling of the subject cases demonstrates a pattern of misconduct. Mr. Hatmaker failed to respond to the complaints filed against him. Mr. Hatmaker's clients were vulnerable. They trusted him to represent their interests and he did not provide the services for which he was retained. Mr. Hatmaker has not paid restitution to his clients, and he failed to return the fee to Mr. Phillips that he promised to repay. Mr. Hatmaker was disbarred on October 3, 2016 and August 20, 2017. Both cases involve conduct similar to the conduct at issue in this case.

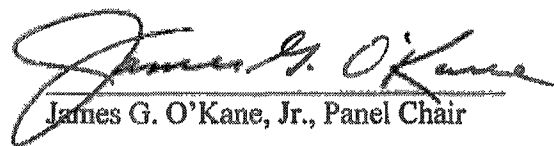
18. Mr. Hatmaker expressed remorse at the final hearing of this matter.

19. Mr. Hatmaker did not dispute an amount stated by counsel for the Board as the fee paid by Oranga Stanfill for the legal services to be provided by Mr. Hatmaker. However, there was no evidence presented at the hearing in conformity with the Tennessee Rules of Evidence of the amount of the fee paid by Oranga Stanfill, and there was no stipulation of fact presented to the Hearing Panel stating the amount of the fee paid by her. Accordingly, the hearing panel cannot award an amount as restitution in the Stanfill matter.

JUDGMENT

Upon consideration of the Findings of Fact and Conclusions of Law, including the applicable ABA Standards, the hearing panel finds that Mr. Hatmaker should be disbarred. Further, the hearing panel finds that Mr. Hatmaker should be required to pay restitution in the following amount: (1) Denford Phillips - \$1,200.00. In the event the ordered restitution is paid by the Tennessee Lawyers Fund for Client Protection ("TLFCP"), Mr. Hatmaker shall reimburse TLFCP the amount so paid.

It is so ORDERED.


James G. O'Kane, Jr., Panel Chair


Carrie S. O'Rear, Panel Member


John P. Dreiser, Panel Member

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been sent to Respondent, Wesley Lynn Hatmaker, #00579792, BCCX, 22B, 1045 Horsehead Road, Pikeville, TN 37367, via U.S. First Class Mail, and hand-delivered to Disciplinary Counsel, Alan D. Johnson, this the 26th day of January 2018.



Rita Webb
Executive Secretary

NOTICE

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.