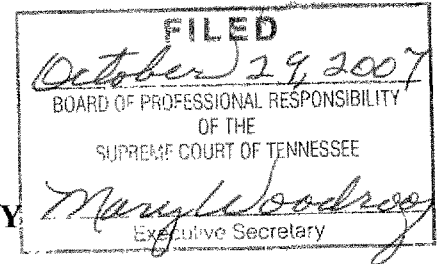


**IN DISCIPLINARY DISTRICT IX
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**



**IN RE: WILLIAM ANTHONY HELM, BOPR #7588, DOCKET NO. 2006-1646-9-JJ
Respondent. An Attorney Licensed
to Practice Law in Tennessee
(Shelby County)**

FINDINGS AND JUDGMENT OF THE HEARING PANEL

This proceeding came on to be heard on September 5, 2007, before two out of three district committee members which comprise this panel, all duly appointed by the Tennessee Supreme Court, upon a Petition for Discipline filed by the Board of Professional Responsibility (“the Board”) on November 2, 2006; upon the Board’s Motion for Default Judgment and to Set filed on March 5, 2007; upon the Panel’s Order Granting Default Judgment and Setting Final Hearing, filed on July 3, 2007, and the record as a whole.

From all of which, the Hearing Panel finds as follows:

1. The Respondent, William Anthony Helm, was admitted to the Tennessee Bar in 1975 and has practiced law primarily in Memphis, Tennessee between 1975-1986, and from 1993 through the Spring of 2006. In 1986, the Respondent was disbarred from the practice of law and was reinstated by the Tennessee Supreme Court in 1993.
2. On June 19, 2006, Respondent was temporarily suspended from the practice of law by order of the Tennessee Supreme Court pursuant to Tenn. R. Sup. Ct. 9, §4.3 for failing to respond to several complainants of ethical misconduct and because he posed a risk of irreparable

harm to clients and the general public by abandoning his last-known office and residential addresses. The June 19, 2006 temporary suspension of Respondent's law license remains in effect and Respondent has not filed any petition to dissolve or amend this temporary suspension order.

3. Between August of 2005 and July of 2006, the Board received and opened twenty-three (23) disciplinary complaints against Respondent. These complaints (and Complainants) were: File Nos. 28413-9-JJ (Bruce M. Smith, Esq.); 28958-9-JJ (Pamela Holden); 28970-9-JJ (Robert B. Carter); 29019-9-JJ (Jerry Shaw); 29146-9-JJ (Lisa Gail Crouch); 29147-9-JJ (William Thomas Crouch); 29162-9-JJ (Fausto and Victoria Plascencia); 29165-9-JJ (Richard Pierotti, Esq.); 29169-9-JJ (Eric Dalton); 29172-9-JJ (Charene Winfrey); 29182-9-JJ (Stanley V. Bougard); 29192-9-JJ (William W. White); 29209-9-JJ (Gerrye O'Dell); 29217-9-JJ (Shakira Leflore-Black); 29257-9-JJ (Don Wesley Grammar); 29258-9-JJ (Sean M. Haynes, Esq.); 29271-9-JJ (Mary Hill); 29297-9-JJ (Carthel Dortch); 29313-9-JJ (Melissa Thomas); 29314-9-JJ (Sheila J. Henry); 29321-9-JJ (Shanita Cannon); 29322-9-JJ (Melvin Jean Pryor); and 29340-9-JJ (Darryl Keith Robinson).

4. On November 2, 2006, the Board filed a Petition for Discipline against the Respondent incorporating the above 23 complaint files. In the Petition for Discipline, the Board alleged *inter alia*, that Respondent had failed on many occasions to appear or perform on behalf of clients, or to refund unearned fees and unexpended costs to clients; that he had misappropriated entrusted funds on several occasions; that he abandoned his former law office and last known residential address in early May of 2006, terminated his cell phone and made himself completely unavailable to his clients through mid-July of 2006; that he failed to properly withdraw or to provide appropriate notice of his temporary suspension to clients, co-counsel, or opposing counsel and failed to deliver case files to clients; that he refused to comply with the obligation to update in writing his

residential address changes with the Board within 30 days of such change and has evaded attempted service of documents by certified mail from the Board on many occasions; that he has refused to comply with the obligations of suspended or disbarred lawyers as set forth in Tenn. S. Ct. R. 9, §18; and that Respondent's actions have harmed the legal system substantially and have required the Presiding Judge in Shelby County to appoint private counsel to attempt to inventory his files to take action to protect clients' interests pursuant to Tenn. S. Ct. R. 9, §22.

5. The Board attempted service of the November 2, 2006 Petition for Discipline by Certified Mail Return Receipt Requested at his last-known residential address according to the Board's registration records, but this certified mail envelope was returned to the Board marked "undeliverable" on December 1, 2006, after two notices to claim this parcel were left for the Respondent by the US Postal Service on November 11 and 25, 2006.

6. Pursuant to Tenn S. Ct. R. 9, §8.2, the Respondent is granted twenty (20) days to file his Answer after service of the Petition for Discipline filed against him, unless the time period is extended by the Board Chair.

7. Pursuant to Tenn. S. Ct. R. 9, §12.1, service of the Petition for Discipline in any disciplinary matter may be by registered or certified mail to the address listed by a Respondent in his or her most recent registration statement filed under §20.5 of this rule, or to some other last-known address. Attorneys are required to update their residential and office addresses in writing with the Board, within 30 days after any such change of address, according to §20.5 of Rule 9. The Respondent's current residential address pursuant to his most recent registration statement filed under Rule 9, §20.5 is 4278 Dalton Downs Drive, Bartlett, TN 38135, and the Board has no other address for him.

8. As of March 5, 2007, the Respondent had not filed an Answer to the Petition for Discipline, and had not filed any request with the Board Chair for an extension of time to answer. On this same date, the Board filed a Motion for Default Judgment and to Set Final Hearing and sent Respondent a copy of this motion by Certified Mail, Return Receipt Requested to his last-known residential address. The March 5, 2007 certified mailing of the default motion was returned to the Board unclaimed on April 2, 2007.

9. On July 6, 2007, the Panel filed its Order Granting Motion for Default Judgment and Setting Mandatory Prehearing Conference and Final Hearing. Accordingly, the allegations against Respondent as contained within the Petition for Discipline are deemed admitted pursuant to Tenn. S. Ct. R. 9, §8.2.

10. On August 16, 2007, the Panel issued and filed its Notice of Final Hearing by Conference Call, setting the final hearing in this matter for September 5, 2007 at 1:00pm, and providing call-in instructions. The Board Executive Secretary forwarded a copy of this notice to the Panel, to Disciplinary Counsel, and to Respondent on August 16, 2007 at his last-known residential address by Certified Mail Return Receipt Requested. The Respondent did not appear at this September 5, 2007 final hearing conducted by conference call.

11. The Respondent violated RPCs 1.1, 1.2(a), 1.3, 1.4(a)(b), 1.5(a), 1.7(b), 1.15(a)(b), 1.16(a)(1)(2)(d)(1)(2)(3)(4)(5), 3.2, 3.3(a)(1), 3.4(c), 4.1(a), 8.1(b) and 8.4(a)(c)(d) due to his actions as set forth in the Petition for Discipline and he has also violated Tenn. S. Ct. R. 9, §18.1, 18.4, 18.5, 18.6 & 18.7 due to his actions.

12. The following aggravating circumstances justify an increase in the degree of discipline to be imposed herein under *ABA Standard 9.22*:

- a. Prior disciplinary sanctions (1986 disbarment, 2005 Public Censure, 2006 temporary suspension);
- b. A dishonest and selfish motive;
- c. A pattern of misconduct;
- d. Multiple offenses;
- e. A bad faith obstruction of the disciplinary proceeding;
- f. A refusal to acknowledge the wrongful nature of this conduct;
- g. Indifference to making restitution; and
- h. Substantial experience in the practice of law.

13. Respondent's violations of the aforementioned Rules of Professional Conduct and Rules of Disciplinary Enforcement augmented by the aforementioned aggravating circumstances, warrant his disbarment from the practice of law pursuant to Tenn. S. Ct. R. 9, §4.1. Respondent shall be assessed the costs of these proceedings pursuant to Tenn. S. Ct. R. 9, §24.3.

IT IS, THEREFORE, ORDERED, ADJUDGED AND DECREED as follows:


- A. That the Respondent, William Anthony Helm, be and is hereby **DISBARRED** from the practice of law in Tennessee;
- B. That the Respondent's disbarment shall become effective ten (10) days after the filing of any Tennessee Supreme Court Order incorporating this Judgment;
- C. That the Respondent, William Anthony Helm, shall comply with the requirements of Tenn. S. Ct. R. 9, §19 should he seek reinstatement of his law license, that he shall be required to make restitution of all misappropriated funds and unearned fees and costs he previously received, to all former clients, other individuals or entities as may be determined and specifically ordered by an appropriate reinstatement committee and by the Tennessee Supreme Court, and that he may not resume the practice of law in Tennessee until reinstated by order of the Tennessee Supreme Court;
- D. That the Respondent, William Anthony Helm, shall comply in all respects

with Tenn. S. Ct. R. 9, and specifically with Section 18 of said Rule regarding the obligations and responsibilities of disbarred attorneys; and

E. That the Respondent, William Anthony Helm, shall reimburse and pay to the Board of Professional Responsibility the costs and expenses of this proceeding.


ENTERED this _____ day of _____, 2007.

THE HEARING PANEL:

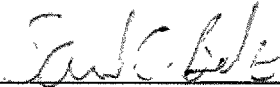


B. J. Wade, Esq.
Panel Chair

APPROVED FOR ENTRY:



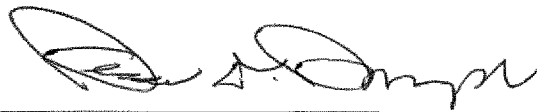
Jesse D. Joseph, BOPR # 10509
Disciplinary Counsel
1101 Kermit Dr., Suite 730
Nashville, TN 37217
615/361-7500



Saul C. Belz, Esq.
Panel Member

CERTIFICATE OF SERVICE

I hereby certify I have mailed a copy of the foregoing proposed Findings and Judgment of the Hearing Panel to Respondent, William Anthony Helm, 4278 Dalton Downs Drive, Bartlett, TN 38135, on this 2nd day of October, 2007.



Jesse D. Joseph