

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

2018 MAY -4 PM 3: 14

BOARD OF PROFESSIONAL
RESPONSIBILITY
[Signature]
EXEC. STAFF

**IN RE: ANGELA JOY HOPSON
BPR No. 22500, Respondent,
an Attorney Licensed to Practice
Law in Tennessee
(Madison County)**

DOCKET NO. 2017-2709-7-KH

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT

The final hearing in this case took place on April 4, 2018. Present at the hearing were Teresa Lynn Marshall, Hearing Panel Chair; Paul David Hessing, Hearing Panel Member; Edwin Clay Townsend, Jr., Hearing Panel Member; Angela Joy Hopson, Respondent; and Krisann Hodges, Deputy Chief Disciplinary Counsel.

STATEMENT OF THE CASE

The Board of Professional Responsibility (Board) filed a Petition for Discipline against Angela Joy Hopson on April 25, 2018. Ms. Hopson filed a Response to the Petition for Discipline on June 12, 2017. Following appointment of the Hearing Panel, a scheduling conference was held on July 13, 2017 and a Scheduling Order entered on July 20, 2018. The Board of Professional Responsibility ("Board") filed its pre-trial brief and a witness and exhibit list on January 8, 2018. Following two continuances, the final hearing of this matter was held on April 4, 2018.

At the final hearing, the Board called Judge Weber McCraw, Ms. Hopson, and Tarus McNeal as witnesses. By agreement of the parties, the deposition of Wayne Pirtle was introduced into evidence. (Exhibit 17) The Board introduced seventeen (17) exhibits into evidence. Ms. Hopson called no witnesses, other than her own testimony, and did not introduce any exhibits.

At the conclusion of the hearing, the Hearing Panel announced its judgment, finding that Ms. Hopson should be suspended from the practice of law for two (2) years, with thirty (30) days served as an active suspension and the remainder on probation with specific conditions.

FINDINGS OF FACT

1. The complaint of misconduct in this matter was initiated by a letter dated November 15, 2016, from Judge Weber McCraw, Judge for the Circuit Court of the Twenty-Fifth Judicial District of the State of Tennessee. (Exhibit 1)

2. On November 18, 2016, Judge McCraw entered an Order prohibiting Ms. Hopson from taking on new clients and cases in the Hardeman County Circuit Court. (Exhibit 2)

3. The information sent by Judge McCraw also contained correspondence from a representative of Wayne Pirtle's family expressing concern about Ms. Hopson's representation of Mr. Pirtle. (Exhibit 2)

4. Judge McCraw testified that he entered the November 18, 2016, Order as a result of Ms. Hopson failing to appear in court for the Akisha Shaw case, and generally because of information he received regarding Ms. Hopson's lack of diligence and communication.

6. Ms. Hopson agreed to represent Akisha Shaw in a matter involving unpaid costs. When taking the representation, Ms. Hopson was unaware that Ms. Shaw was in bankruptcy.

7. Ms. Hopson testified that she was informed by Ms. Shaw's bankruptcy lawyers that she was not permitted to proceed with the representation unless she had permission from the bankruptcy court.

8. On the day of Ms. Shaw's hearing, Ms. Hopson asked another attorney to make an announcement that a continuance was needed while she was waiting on the bankruptcy court to give permission. She also wanted a continuance generally for more time to prepare.

9. Judge McCraw testified that when the announcement was made by the substitute attorney, he did not find the explanation for Ms. Hopson's absence to be credible.

10. Ms. Hopson testified that she did not know whether she could have proceeded *pro bono* in Ms. Shaw's case. She testified that she was available to attend court that day.

11. Judge McCraw testified that after he entered the November 18, 2016, Order, he was prepared for Ms. Hopson to come discuss the matter with him. Around January 2017, he prepared an Order permitting her to practice in his courtroom again in anticipation of a meeting with Ms. Hopson.

12. Ms. Hopson did not meet with him until November 2017. At that point, he entered the Order permitting her to practice in his courtroom again. (Exhibit 5)

13. Ms. Hopson testified that prior to the November 18, 2017 Order, Judge McCraw had spoken to her about her tardiness in his courtroom.

14. Around the same time of the Akisha Shaw hearing, in November 2016, Judge McCraw received information about Wayne Pirtle, a defendant, from his family expressing concern about Ms. Hopson. (Exhibit 1)

15. Mr. Pirtle also sent a letter to Judge McCraw in January 2017. (Exhibit 6)

16. In addition to contacting the Court, Mr. Pirtle sent a request for assistance to the Board of Professional Responsibility on October 11, 2016. (Exhibit 17, Deposition Ex. 1)

17. Ms. Hopson represented Mr. Pirtle in a criminal case in which he was charged with attempted first degree murder.

18. Ms. Hopson was paid \$7,300.00, which included representation in General Sessions Court, Circuit Court, and a violation of probation matter. (Exhibit 9)

19. Ms. Hopson deemed the legal fees as a "flat fee", although she did not consider

them to be non-refundable. Ms. Hopson testified that she does not maintain a trust account. Further, she testified that she deposited these fees into a general bank account she shares with her mother.

19. Mr. Pirtle, and his sister, Tarus McNeal, complained that Ms. Hopson failed to adequately communicate with them about Mr. Pirtle's case.

20. Mr. Pirtle complains that Ms. Hopson was not responsive to requests for information from his family.

21. Ms. McNeal agreed that she sent many texts to Ms. Hopson, but that the reason she sent many texts is that it was difficult to get a response. (Exhibit 11)

22. Mr. Pirtle states that he became concerned after his case was reset and that he no longer had a court date.

23. Ms. Hopson testified that he did have a new court date, but that the clerk did not properly put it into their system. She testified that she did communicate the new date to him several months after the original court date, in September 2016, was continued due to her health issues.

24. The testimony of Ms. McNeal and Mr. Pirtle indicated that they were confused about the status of his case. Further, they did not get satisfactory responses from Ms. Hopson.

25. Following the November 18, 2016 Order, Mr. Pirtle appeared again in Judge McCraw's court in January, 2017. Ms. Hopson, who was still Mr. Pirtle's attorney of record, did not appear. Mr. Pirtle requested a new attorney. Ms. Hopson asserts that she was not informed about the court date.

26. Ms. Hopson believes that Mr. Pirtle's complaint is based entirely on unreasonable expectations regarding the charges against him. To the contrary, Mr. Pirtle testified in his

deposition that:

I was trying to get in touch with you. I don't know what was going on, trying to talk to you, I don't know what's going on. Plus, I was asking you – I also asked you about my charge like why am I charged with attempted murder if nobody been shot or nobody been harmed? It was basically I could never get in touch with you. (Deposition of Wayne Pirtle, p. 40, ln 2-9)

I wanted – I wasn't upset what I was charged with, it was just that like I said about I was asking you a question about my charges, why it is, like reckless endangerment or something, but what had me upset was I couldn't get in touch with you. I wanted to know what's going on. I'm back there locked up and I don't know what's going on. I'm trying to call, write. (Deposition of Wayne Pirtle, p. 40, ln 13-20)

27. Ms. Hopson's disciplinary history consists of the following:

a) Public Censure – October 19, 2009: Ms. Hopson failed to timely file an appeal and her client lost his right to appeal a conviction. (Exhibit 13)

b) Private Informal Admonition – May 14, 2010: Ms. Hopson failed to file a notice of appeal and failed to adequately communicate with her client about the status of the case. (Exhibit 12)

c) Suspension of one (1) year, all probated – January 30, 2013: Ms. Hopson failed to properly communicate with her client, a defendant in a post-conviction trial and appeal. Further, Ms. Hopson was held in contempt by the Court of Criminal Appeals for failure to timely file a brief and failure to follow an order of the Court to file a status report. (Exhibit 14)

d) Suspension of one (1) year, all probated – April 7, 2014: Ms. Hopson failed to timely prepare a termination of parental rights and failed to communicate with her clients. Ms. Hopson delayed the transfer of her client's file to the client's new attorney and failed to promptly refund the fees. (Exhibit 15)

e) Public Censure – April 14, 2016: Ms. Hopson engaged in the unauthorized practice

of law. While suspended, Ms. Hopson appeared in court and continued practicing law. (Exhibit 16)

CONCLUSIONS OF LAW

Pursuant to Tenn. Sup. 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.

The Board has alleged that Ms. Hopson violated RPC 1.3 (diligence), and 1.4 (communication); and 8.4 (a) and (d) (misconduct).

A. Violations of the Rules of Professional Conduct

Based upon the evidence and testimony presented to the Hearing Panel, the Hearing Panel has concluded that the Board has proven, by a preponderance of the evidence, that Ms. Hopson has violated RPC 1.4(a)(3) and (4). The Hearing Panel finds that Ms. Hopson did not violate RPCs 1.3 and 8.4, as alleged in the Petition for Discipline.

Ms. Hopson violated RPC 1.4(a)(3) and (4) because she did not adequately communicate with Mr. Pirtle. The Hearing Panel finds that while Ms. Hopson did not have an obligation to communicate with Mr. Pirtle’s family, she did not adequately respond to her client, Mr. Pirtle. There are avenues she could have taken to minimize the texts and phone calls from the family members. For Mr. Pirtle, however, Ms. Hopson was responsible for communicating with him in a manner that explained the status of the case, even when nothing was happening. Attorneys are all extremely busy, juggling schedules, and clients can be very focused on their individual matters. Even when nothing is happening in the case, clients need to hear confirmation that the attorney is

taking care of the matter. Ms. Hopson could have prevented much of the confusion by putting limits on the family communication in writing to her client.

Mr. Pirtle made reasonable requests for information to which Ms. Hopson was unresponsive. Mr. Pirtle testified that he tried to get in touch with her but to no avail. The Board, and Ms. Hopson, would agree that Ms. Hopson met with Mr. Pirtle before court appearances and discussed his case on occasion. However, it is clear that Ms. Hopson was not providing a reasonable amount of communication. When a client makes a reasonable request for information, it is incumbent upon the lawyer to provide prompt responses. The comments to RPC 1.4 state “A lawyer’s regular communication with clients will minimize the occasions on which a client will need to request information concerning the representation.” (Tenn. Sup. Ct. R. 8, RPC 1.4, Cmt. 4)

B. Application of the ABA Standards

When disciplinary violations are established by a preponderance of the evidence, the appropriate discipline must be based upon application of the ABA Standards for Imposing Lawyer Sanctions, (“ABA Standards”) pursuant to Tenn. Sup. Ct. R. 9, § 8.4. The Board submits that application of the ABA Standards warrants a disbarment.

The Hearing Panel has determined that the following ABA Standards are applicable in this matter:

- 4.42 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.

8.2 Suspension is generally appropriate when a lawyer has been reprimanded for the same or similar misconduct and engages in further similar acts of misconduct that cause injury or potential injury to a client, the public, the legal system, or the profession.

The following aggravating circumstances justify an increase in the degree of discipline to be imposed against Ms. Hopson: prior disciplinary offenses, pattern of misconduct, and multiple offenses. (ABA Standards, 9.22)

JUDGMENT

Based upon the Findings of Fact and Conclusions of Law, the Hearing Panel finds that Ms. Hopson shall be suspended from the practice of law for two (2) years, with thirty (30) days served as active suspension and the remainder on probation subject to the following conditions:

a) Ms. Hopson shall have a practice monitor at her expense for the entire period of probation. The practice monitor shall meet with Ms. Hopson no less than one (1) face to face meeting per month, one (1) phone meeting every week. Texting is not permitted for the phone meeting;

b) The practice monitor shall review basic office procedures such as scheduling, case management, time management, deadlines, fee agreements and/or engagement letters, financial management of her office including arrangement of a business account and/or trust account; and

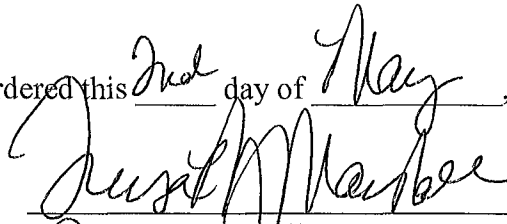
c) Ms. Hopson must submit three (3) practice monitor candidates to the Board pursuant to Tenn. Sup. Ct. R. 9, § 12.9¹.

Costs shall be assessed against Ms. Hopson pursuant to Tenn. Sup. Ct. R. 9, § 31².

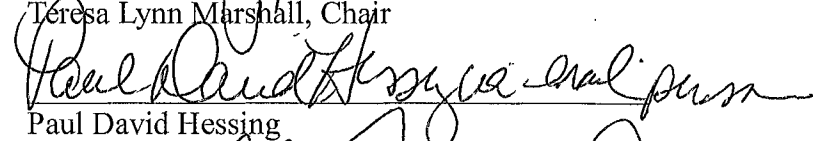
¹ Pursuant to Tenn. Sup. Ct. R. 9, § 12.9, Ms. Hopson must submit the names of qualified candidates to the Board within fifteen (15) days after entry of the judgment.

² After entry of this Judgment, the Board shall be required to make application for costs pursuant to Tenn. Sup. Ct. R. 9, § 31.

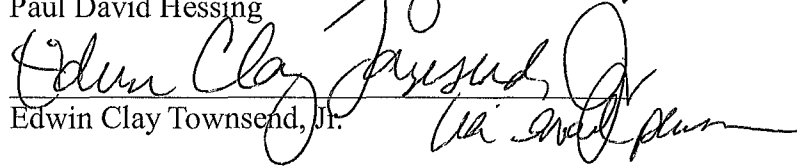
It is so ordered this 2nd day of May, 2018.



Teresa Lynn Marshall, Chair

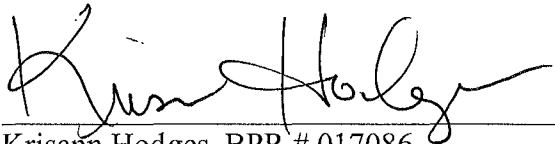


Paul David Hessing



Edwin Clay Townsend, Jr.

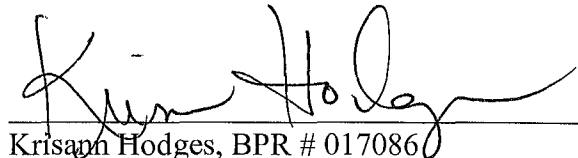
Submitted for entry:



Krisann Hodges, BPR # 017086
Deputy Chief Disciplinary Counsel
Board of Professional Responsibility
10 Cadillac Drive, Suite 220
Brentwood, TN 37027
(615) 361-7502

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT has been served upon the Respondent, Angela Joy Hopson Esq., by First Class U.S. Mail addressed to her at 46 Ridgewood Cove, Jackson, TN 38305; and 423 North Highland Avenue, Jackson, TN 38301; and also by email at hopsonaj@gmail.com, on this the 25th day of April, 2018.



Krisann Hodges, BPR # 017086
Deputy Chief Disciplinary Counsel
Board of Professional Responsibility

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been sent to Respondent, Angela Joy Hopson, 46 Ridgewood Cove, Jackson, TN 38305, by U.S. First Class Mail, and hand-delivered to Krisann Hodges, Disciplinary Counsel, on this the 4th day of May, 2018.

A handwritten signature in cursive script, appearing to read "Rita Webb", written over a horizontal line.

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.