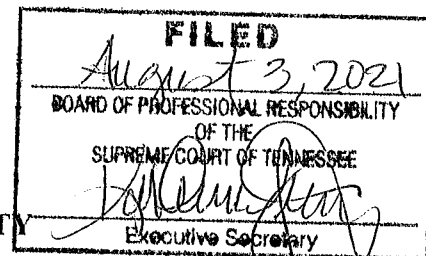


**IN DISCIPLINARY DISTRICT IX
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**



**IN RE: THOMAS FRANCIS JACKSON, III
BPR # 008239, Respondent,
an Attorney Licensed to Practice
Law in Tennessee
(Shelby County)**

DOCKET NO. 2020-3084-9-JM

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND JUDGMENT

This matter came on for hearing on May 12, 2021, before a Hearing Panel consisting of Eugene J. Podesta, Panel Chair; Kamilah E. Turner, Panel Member; and Anne B. Davis, Panel Member. The Board of Professional Responsibility (the “Board”) was represented by James W. Milam. Respondent Thomas Francis Jackson, III, is an attorney, currently under suspension, who was licensed in 1967 as a Tennessee lawyer. He has been proceeding *pro se* in this matter. Although he had been notified on multiple occasions of the hearing date as explained in greater detail *infra*, Mr. Jackson did not participate in the telephonic evidentiary hearing and failed to give notice to the Hearing Panel or Ms. Rita Webb, Executive Secretary of the Board of Professional Responsibility, of his intention not to participate.

The hearing was held by telephone conference, with Mr. Milam, his assistant Melanie Cail, and court reporter Lisa Henderson physically present at the Board’s office at 10 Cadillac Drive, Suite 220, Brentwood, Tennessee, and all three (3) members of the Hearing Panel physically present at the law office of Ms. Turner in Memphis, Tennessee. The hearing began shortly after 9:00 a.m. (CDT) and concluded just before 12:00 p.m. (CDT) on May 12, 2021.

Background

Before starting the hearing, the Panel questioned Mr. Milam about what notice had been given to Mr. Jackson, and whether he had communicated with the Board that he would or would not be attending the telephonic hearing. On May 11, 2021, the day before the hearing, an e-mail from an unknown e-mail address, fabledsanta@gmail.com, was sent at 8:04:32 PM (EDT) to Chief Disciplinary Counsel Sandy Garrett, who forwarded it to Disciplinary Counsel Jim Milam at 8:10 AM on the morning of May 12, 2021, with a request to “please respond and copy me.” The e-mail supposedly came from a person identified only as “S.P. Arnold, formerly Arnold – Investigations,” with a listed phone number of (901) 264-0770. The author of the e-mail claimed to be Mr. Jackson’s “friend of 33+ years” and included the following paragraph:

The woman in the office at Swampson & Co., 502 North Missouri Street, W. Memphis, AR 72301, has stated a moment ago that FedEx apparently intended to make a delivery at the office late this afternoon of a package on behalf of your company. Due to a discovered crack in the bridge connecting Memphis to Arkansas (I-40 and the MS River DeSoto Bridge), all traffic has ceased until at least tomorrow morning, but honestly, without a known restoration date, leading to an indefinite closure to all traffic TN-AR-TN. FedEx may return the package to you. Mr. Jackson asks for your understanding for this “act of God.”

The “package” to which the e-mail writer referred was a Fed Ex package that the Board had sent out on Monday, May 10th, containing all the documentary exhibits which the Board intended to introduce at the hearing, pre-labeled for introduction into evidence as exhibits. An identical package containing another set of the same documentary exhibits was delivered by Fed Ex to Ms. Turner’s office at 200 Jefferson Avenue, Suite 1500, Memphis, Tennessee on May 11th for the Panel Members to have before the hearing on May 12th. Ms. Melanie Cail, legal assistant to Mr. Milam, received e-mails from Fed Ex containing confirmation receipts showing that both packages were delivered to their destinations on May 11th.

In response to the e-mail from “S.P. Arnold,” Mr. Milam placed a call to the telephone number, (901) 264-0770, and spoke to an adult male who answered the phone. This person identified himself as “Stephen Arnold” and seemed to be familiar with the contents of the e-mail that had been sent to Ms. Garrett from the fabledSanta@gmail.com user address the night before. Mr. Milam informed the Arnold individual that Fed Ex had sent a delivery confirmation receipt showing that the package addressed to Mr. Jackson had been delivered to him at Swampson & Co., 502 N. Missouri St., W. Memphis, Arkansas on the afternoon of May 11th at 1:17 p.m. The Arnold individual replied that the time of delivery was “before they closed the bridge” and stated that he needed to speak to “Ms. Kennedy” because that was “not what she told me.” Mr. Milam requested a telephone response from the Arnold character as soon as possible after he had spoken to “Ms. Kennedy” but he never called back.

Mr. Milam related these facts to the Hearing Panel before the hearing began and shared information from the Fed Ex delivery confirmation receipt which showed the tracking results for package #773682171441, addressed to Thomas F. Jackson, III, at the West Memphis address. The receipt showed the package was delivered on 5/11/2021 at 1:17 pm and signed for by the front desk receptionist, “B. Kennedy.” The receipt also showed a “delivery exception” at 5:49 pm at Cordova, TN and that the package arrived at the local Fed Ex facility in Cordova at 11:54 p.m. on May 11th. The “delivery exception” apparently occurred when a person at Swampson & Co. contacted Fed Ex to retrieve the package with instructions to return to sender.

In response to the Panel’s question regarding what notice Mr. Jackson had been given of the date and time for the hearing, Mr. Milam cited the Revised Scheduling Order filed on December 9, 2020, which contained the timetable for exchange of discovery materials including the hearing date of May 12, 2021, which had been selected during a conference call. Ms. Webb

had mailed a copy of this Order to Mr. Jackson in December at his Memphis office address which was then P.O. Box 111221, Memphis, Tennessee 38111, after the Panel Chair had signed it on November 30, 2020.

Mr. Milam also relied upon a letter which had been sent via e-mail to Mr. Jackson's three (3) most recent e-mail addresses on May 10, 2021, including the one he had recently used in e-mails sent to Sandy Garrett, which was today@aol.com. The letter was also placed in the U.S. mail to Mr. Jackson at every one of the three (3) addresses he had supplied to the Board within the previous year. The letter informed Mr. Jackson that Executive Secretary Rita Webb had served him by mail the week before, on May 3, 2021, with a Notice of Telephonic Hearing stating the time and date of the hearing and providing the toll-free dial-in number to call to attend the hearing. The May 3 letter was included as part of the Fed Ex package that was delivered on May 11th to the West Memphis, Arkansas address which Mr. Jackson had given the Board as his current address.

The Panel took a brief recess to confer among themselves, and then announced its decision to proceed with the hearing. The Panel Chair stated that the Panel was satisfied that Mr. Jackson had received adequate notice of the hearing; that he was aware of the time, date, and call-in instructions for the toll-free telephone hearing; and that no reasonable justification had been offered for his absence from the hearing or his failure to communicate the reason for his non-appearance to the Hearing Panel. The Panel directed Disciplinary Counsel to proceed with the Board's case as to the complaints relating to File No. 57486-9-KB (Complainants Doris Gurule and Michael Tramel), and File No. 58561-9-KB (Complainant Danielle Russell, Esq.). The Panel previously entered a default judgment against Mr. Jackson on the allegations related to File No. 63371-9-KB (Complainant Melinda Ryan) on December 18, 2020.

FINDINGS OF FACT

File No. 57486-9-KB- Complainants Doris Gurule and Michael Tramel

1. Mr. Thomas Francis Jackson, III, became a licensed attorney in Tennessee in 1967. His license was suspended on August 20, 2019, pursuant to Rule 9, §12.3, of the Rules of the Tennessee Supreme Court, and has remains suspended.

2. Mr. Jackson was charged in the Petition for Discipline with ethical rules violations relating to fees in File No. 57486-9-KB involving complainants, Doris Gurule and Michael Tramel of MDT Logistics and Transport, LLC, who had contacted him in 2018 about possibly representing them in a civil dispute with a Memphis garage mechanic over a repair bill to a tractor trailer.

3. The Board filed its First Request for Production of Documents and First Request to Admit in the case on December 16, 2020; however, Mr. Jackson did not respond.

4. The Board filed a Motion to Compel Mr. Jackson to Respond or Be Sanctioned on March 1, 2021, to which Mr. Jackson did not file any response.

5. The Board advised the Hearing Panel on May 12, 2021, that the complainants, Doris Gurule and Michael Tramel, had not responded to any of the Board's efforts to communicate with them, and that the Board would not be able to present evidence on their complaint contained in File No. 57486-9-KB. Therefore, the Hearing Panel denied the Board's Motion to Compel, and dismissed the allegations based on based on the Gurule and Tramel complaint.

File No. 58561-9-KB – Complainant Danielle H. Russell, Esq.

6. Mr. Jackson was charged in the Petition for Discipline with multiple violations of Rule 4.2, Rules of Professional Conduct (RPC), relating to File No. 58561-9-KB, brought by complainant Danielle H. Russell, Esq.

7. Ms. Russell and Sarah Pazar Williams, Esq., each testified under oath at the Panel Hearing by telephone: Ms. Russell from Baltimore, Maryland, and Ms. Williams from Nashville.

8. Danielle Russell is licensed Tennessee attorney, BPR # 34413, who formerly practiced law in Memphis with the firm of Hall Booth Smith, P.C., from 2015 to 2019. She has since relocated to Baltimore, Maryland, where she is engaged in private law practice.

9. Sarah Pazar Williams is a licensed Tennessee attorney, BPR #31261, who has practiced law in Memphis with the firm of Hall Booth Smith, P.C., since the fall of 2017.

10. The Panel finds both Ms. Russell and Ms. Williams to be credible witnesses.

11. Mr. Jackson was living at 232 S. Highland, Apt. 1202, Memphis, Tennessee 38111, in 2017, when he filed a civil action for property damages to his vehicle allegedly caused by a faulty entry gate to his apartment building against Wright Property Management, Inc., and Edinborough Homeowners Association, Inc., who managed and governed the building where he lived, in the Shelby County General Sessions Court, Docket No. 1879793. The civil action was filed on August 25, 2017, and non-suited on June 20, 2018, before being re-filed as Docket No. 1942823 on August 28, 2018. *See* Trial Exh. 1 (Exhibit A-1)¹.

¹ The Board sent copies of all exhibits which the Board expected to introduce at the May 12 hearing to all Panel members and to Mr. Jackson via e-mail on May 10, 2021, and via Fed Ex delivery arriving on May 11, 2021. The exhibit numbers shown in parentheses are the numbers that were assigned to the exhibits in that mail-out.

12. The firm of Hall Booth Smith, P.C., was retained to represent these Defendants in the civil action, and Mr. Jackson was notified of the representation by letter from Ms. Lauren Callins, who has since left the law firm, on September 28, 2017. *See* Trial Exh.4 (Exhibit A-2).

13. By email dated October 27, 2017, Ms. Callins again notified Mr. Jackson that “the named Defendants are represented by counsel and all correspondence must come through our office, as previously requested. This includes Mr. Lara and any other officers and/or employees of Wright Property Management, Inc.” *See* Trial Exh. 6 (Exhibit A-3).

14. Despite receiving direct knowledge that the Defendants were represented by counsel, on January 19, 2018, Mr. Jackson sent direct communication via email to representatives of the homeowner’s association in which he specifically stated: “I have an additional claim to pending claim for auto damage during July 2017, now two claims. I have located witnesses to the failure of operation of that gate on that day before my automobile was injured.” *See* Trial Exh. 7 (Exhibit A-4).

15. Despite receiving direct knowledge that the Defendants were represented by counsel, on January 24, 2018, Mr. Jackson hand-delivered a detailed letter to representatives of the homeowner’s association in which he specifically discussed the General Sessions claim, including the legal problems he had with a proposed release that had been presented to him by their counsel. *See* Trial Exh. 8 (Exhibit A-5).

16. Despite receiving direct knowledge that the Defendants were represented by counsel, on April 28, 2018, Mr. Jackson sent a letter to Ron Howell of the homeowner’s association in which he specifically stated: “I write to confirm that as a unit owner in the Edinborough I left a voice-mail message on your home telephone earlier this month to the effect that I was suspending all payments to The Edinborough until The Edinborough has paid me for damages to my

automobile sustained in and about its parking lot, totaling some \$4,000, occurring last July, 2017, and January 2018.” *See* Trial Exh. 3 (Exhibit A-6).

17. Despite receiving direct knowledge that the Defendants were represented by counsel, in April and May of 2018, Mr. Jackson left numerous voicemails on the phone of Mario Lara, President and Owner of Defendant Wright Property Management. A true and correct transcript of the voicemails is contained in Trial Exhibit 2 (Exhibit A-7).

18. According to the transcript, Mr. Jackson consistently discussed the pending General Sessions matter, demanded payment, and otherwise repeatedly communicated directly with a represented party.

19. In a voicemail from April 14, 2018, Mr. Jackson stated, in part: “So you leave me no choice, but you know, I’m going after them. I have this case set for trial. And if we go upstairs, you better damn well believe we’re going to get in discovery everything that you are involved in and Mr. Knowles as well. If you think (inaudible) cry the last time, you better get her ready for a shrink.” *See* Trial Exh. 2, p. 23, ll.17-24.

20. On April 16, 2018, Mr. Jackson left a voicemail on Mr. Lara’s phone stating, in part: “We are set for trial with your insurance company lawyer, I think, like May the 1st. I want to know if – you had previously promised that your – that you – your company, you and/or the insurance company would pay for the damage to my car of \$1,661 for the holly bush and now there’s an additional damage for the gate of \$2,400 that I want to know if you and – if you – if your company, as the agent of the board, intends to recommend that payment before trial or if you want to try it and if we lose, appeal it, however you want to do it. But I don’t think if you read the – read the bylaws, et cetera, that anyone is – is entitled to reimbursement for attorney’s fees. And in fact, you may be liable for – the company and your company may be liable for

attorney – attorney’s fees if you want to get into it under the Tennessee Consumer Protection Act. So let me know. We’ll be glad to settle it for the amount of damages that have been assessed by professionals.” *See* Trial Exh. 2, pp. 20. l. 9 to 21, l. 6.

21. On April 23, 2018, Mr. Jackson left a voicemail on Mr. Lara’s phone stating, in part: “I have made discreet inquiries, and I have found out that Wright Property has initiated a sort of juvenile reprisal to make it – make life here inconvenient for me by telling Mr. Poole not to touch my car or go anywhere near it. And if you continue that, you know, we can draw this out for quite a long time and, you know, pull all sorts of people down to 140 Adams Avenue [the location of the Shelby County Courthouse] if you want to do that. I’d be glad to do it. I’ve got plenty of time and I enjoy it.” *See*. Trial Exh. 2, p. 19, ll. 11 - 20.

22. Just two minutes later, Mr. Jackson left another voicemail on Mr. Lara’s phone stating, in part: “I’m behind in my dues. And we need to talk about that because as far as I’m concerned, the Edinborough owes me money for the damage to my car. And it’s, I don’t know, about 5- or \$6,000. You certainly are aware of that because you took a tour and we had a discussion about it, and I remember very clearly what you told me... Now we’re going to trial. And I told Mr. – what’s his name – Mr. Howell that I didn’t want to sue anybody over this. But if the insurance company or whoever it is doesn’t want to pay, we’re going to have to go ahead with the lawsuit, because I have no other choice.” *See* Trial Exh. 2, p. 18, ll. 7 – 14; p. 18, l. 20 to p. 19, l. 1.

23. On May 12, 2018, Mr. Jackson left a voicemail on Mr. Lara’s phone stating, in part: “... at least I have a person at the Tennessee Board of Professional Responsibility in Nashville that I refer these questions that were presented with respect to my representing myself as a lawyer and – and you having a lawyer, whether it’s – who is it – Lauren Callins or something like that – and whether or not we can communicate. And they initially said no. And then you brought up

the – I thought it was a good idea, that, you know, it doesn't have anything to do – supposedly now... But anyway, Gordo Negro [actual name is Greg Poole] is not a popular person in this building, shall we say. I'll be glad to talk to you. I'm glad Nashville called back after I – after we sent them your response to our memo. And so here we are. I wish you would convey to Mr. Howell – you know, this is not a personal injury suit that would be negotiable as to, oh, how much pain did you have and you're not supposed to get that much, your neck didn't really hurt that bad or something. This is a professional appraisal of the amount of damage by people who are in the business, not me." *See* Trial Exh. 2, p. 16, ll. 1 – 11, p. 16, l. 23 to p. 17, l. 11.

24. Just three minutes later on May 12, 2018, Mr. Jackson left another voicemail on Mr. Lara's phone stating, in part: "But I do know about your law firm and they – the insurance company's law firm, you know, Hall, Booth and Smith. If you look them up. My – my colleagues tell me they don't think much of their experience and education and not really from Memphis. It looks like they moved in to target the medical people and not us. What I'm saying is, is that this is taking a long time about my car. You know, your gate breaks down every once in a while, slams in the side of my car. And then that truck never should have been parked in the back. You – you – you took a tour and you know exactly what happened. And I don't think there are any witnesses. This isn't like a, you know, oh, my goodness, my neck hurts, my back and whatever. This is a – a objective figure, not a subjective complaint to fix my car and how much for the deviation of the value of my car is, which is equivalent to the cost of repairs in Tennessee, I think." *See* Trial Exh. 2, p. 14, l. 22 to p. 15, l. 18.

25. On the same day, Mr. Jackson left another voicemail stating, in part: "You know, we shouldn't be spending a lot of time in court unless you want to pay your insurance company. I don't care. I don't have anything else to do really. It is kind of fun for me. But really, I don't

like, you know, having – you know, I’ve got to pay – I’ve had my car fixed, and it’s costly. But we shouldn’t be in court. And if you want to – want to do something to get us out, you could have someone call me on Monday or Sunday or something and make some sort of suggestion.” *See* Trial Exh. 2, p. 12, l. 16 to p. 13, l. 3.

26. Mr. Jackson left yet another voicemail on Mr. Lara’s phone on May 12, 2018, stating in part: “Once I got into Circuit Court, the Tennessee Rules of Civil Procedure apply and that means unlimited discovery. That means depositions, interrogatories, appearances for every member on the board and everybody who has anything to do with the Edinborough and the agency agreement, I suppose. And that may take some time and it may cut into their schedule because there’s one or two people I’d like to keep waiting quite a while. But you know, I don’t have anything else to do and I know how to do it. And you know, I can make it – I can extend it, shall we say. But I don’t want to do that to you because this is becoming unfair, I think. It’s not right.” *See* Trial Exh. 2, p. 11, l. 15, to p. 12, l. 5.

27. By email to Mr. Jackson dated May 14, 2018, Ms. Russell stated: “It has been brought to my attention that you have, as recently as this morning, repeatedly contacted employees and/or agents of my clients, specifically about this case. As an experienced attorney, I am sure that you understand that such communication is improper. Should you wish to correspond about this case for any reason, please direct all such correspondence to my office. I appreciate your attention to this request, and I thank you in advance for your compliance with it.” *See* Trial Exh. 5 (Exhibit A-8).

28. On May 14, 2018, Mr. Jackson sent an email to Ms. Russell, responding to the email referenced in the paragraph above, stating: “Ms. Russell: You are incorrect and, again, continue to make assumptions to cause trouble.” *See* Trial Exh. 9 (Exhibit A-9).

29. On May 16, 2018, Mr. Jackson left a voicemail on Mr. Lara's phone stating, in part: "I think y'all ought to investigate that law firm, Hall, Booth and Smith through Mr. Dinkelspiel, because I don't know what they've done with respect to my claims except ask me – that six-page release is a legal paper. It's 8 and a half by 14 and it's one and a half lines, not two lines between that has six or eight people to release when there were no witnesses to either accident, which is very strange to me. It's obvious, as I told you, that the release was a form that came from the other usages." *See* Trial Exh. 2, p. 5, ll. 1-12. In that same voicemail, Mr. Jackson stated: "But anyway, that's just my – we're not supposed to talk, but we're not – I'm just talking to you generally, not about the case." *See* Trial Exh. 2, p. 6, ll. 5 - 7.

30. Despite receiving direct knowledge that the Defendants were represented by counsel, on July 11, 2018, Mr. Jackson sent a letter to Ron Howell of the homeowner's association in which he specifically and directly discussed the lawsuit (which had by that time been voluntarily non-suited), the proposed release which he did not agree to sign, and made demands for payment. *See* Trial Exh. 10 (Exhibit A-10).

31. Despite receiving direct knowledge that the Defendants were represented by counsel, on July 16, 2018, Mr. Jackson hand-delivered a letter to representatives of the homeowner's association in which he specifically and directly discussed the lawsuit (which had been voluntarily non-suited) and continued making demands for payment. *See* Trial Exh. 10 (Exhibit A-10).

32. On August 23, 2018, Mr. Jackson re-filed the case in Shelby County General Sessions Court, with Docket No. 1942823, and named The Edinborough Homeowner's Association, Inc., as a defendant along with the previously named defendants. *See* Trial Exh. 1 (Exhibit A-1).

33. Despite having direct knowledge that the Defendants were represented by counsel, on September 11, 2018, Mr. Jackson sent an e-mail to representatives of the homeowner's association

in which he specifically and directly discussed the lawsuit (which had been re-filed), demanded payment, and threatened prolonged litigation and public depositions in the absence of a settlement, stating that he would “begin taking depositions of each board member” and putting them “on stage in the hot seat” with an investigative reporter from the Commercial Appeal and several real estate agents called to attend, and with a request made to the court to bar any officers or employees of Wright Property Management from attending. *See* Trial Exh. 14 (Exhibit A-14).

File No. 63371-9-SC – Complainant – Melinda Ryan

34. Mr. Jackson was charged in the Supplemental Petition for Discipline with violations of RPC 1.5(a) (Fees) and 5.5(a) (Unauthorized Practice of law).

35. On May 3, 2019, the Supreme Court of Tennessee entered an order directing Mr. Jackson to report to the Tennessee Lawyer’s Assistance Program (“TLAP”), within ten (10) days, for an evaluation to determine his fitness to practice law.

36. Mr. Jackson failed to comply with the Supreme Court’s Order.

37. On August 20, 2019, the Supreme Court entered an Order of Temporary Suspension, suspending Mr. Jackson from the practice of law due to his failure to comply with the May 3, 2019 Order.

38. Mr. Jackson has not been reinstated to the practice of law, and at the time of the events in this Supplemental Petition, Mr. Jackson was suspended.

39. By letter dated January 22, 2020, the Board informed Mr. Jackson of the complaint filed against him by Melinda Ryan. Ms. Ryan, who resides in Florida, is the niece of Kiersten Watkins, and is Ms. Watkins’ power of attorney.

40. Ms. Ryan desired to hire an attorney specializing in elder law to advise her on how best to protect Ms. Watkins’ assets, determine her eligibility for Medicare, revise her estate

planning documents, and to assist her in determining Ms. Watkins' rights and responsibilities as the recipient of assisted living services.

41. On or about January 14, 2020, Ms. Ryan contacted Mr. Jackson by telephone after performing an online search for an elder law attorney.

42. During the initial phone call, Mr. Jackson identified himself as an attorney, and did not advise Ms. Ryan that his license had been temporarily suspended.

43. Ms. Ryan scheduled an in-person meeting with Mr. Jackson for January 16, 2020.

44. Mr. Jackson requested that the meeting take place in the lobby of the complex where he resided.

45. On January 16, 2020, Ms. Ryan and her aunt, Ms. Watkins, met with Mr. Jackson to discuss Ms. Watkins estate and legal needs.

46. Mr. Jackson indicated that the initial consultation was free.

47. Mr. Jackson did not present a written fee agreement but indicated that he would bill them at \$250-\$300 per hour.

48. During that meeting, Ms. Ryan mentioned that Ms. Watkins had a scheduled meeting the following day regarding the possibility of getting into Trezevant Assisted Living ("Trezevant").

49. Ms. Watkins informed Mr. Jackson at that meeting that she was not interested in his services; consequently, Mr. Jackson knew or should have known that he was not being retained.

50. Nonetheless, Mr. Jackson appeared uninvited the following day at the meeting at Trezevant.

51. A Trezevant representative contacted Ms. Ryan, advising her that Mr. Jackson was there, and was presenting an invoice for his services, claiming that he represented Ms. Watkins.

52. Moreover, Mr. Jackson began leaving numerous voicemails on Ms. Ryan's phone threatening lawsuits, liens on her property, IRS involvement, and making other threats, while demanding payment of \$1,500.00 for "consultation services."

53. Notwithstanding clear notifications that he was not being retained, Mr. Jackson appeared at Ms. Watkins' living facility requesting to speak with her.

54. Ms. Watkins declined to speak with him and advised the administrators that he was not welcome.

55. Mr. Jackson contacted Carrie Gildee, the community liaison manager at Ms. Watkins' residential facility, and asked questions about the facility.

56. During his conversations with Ms. Gildee, Mr. Jackson identified himself as an attorney and stated that he was representing Ms. Watkins.

57. Moreover, Mr. Jackson referred Ms. Gildee to his website which also identified him as an attorney.

58. When Ms. Gildee did not give Mr. Jackson any personal information about Ms. Watkins, Mr. Jackson requested a "tour" of Ms. Watkins residential facility, stating that he was interested in residing there.

59. Ms. Gildee scheduled a tour for Mr. Jackson, but out of concern for Ms. Watkins, she removed Ms. Watkins' name from her front door so that Mr. Jackson would not be able to locate her.

60. Mr. Jackson did not appear for his tour, a clear indication that his "interest" in residing there was nothing more than a pretext to contact Ms. Watkins despite her clear notifications to him that she would not be retaining him.

61. Ms. Watkins and Ms. Ryan declined to hire Mr. Jackson, and never executed an agreement for his services.

62. Despite that fact, Mr. Jackson delivered a letter to Ms. Watkins (not Ms. Ryan) on January 18, 2020, threatening litigation.

63. In that letter, Mr. Jackson stated, among other things: "Ms. Ryan's disregard and recalcitrance leaves me with no recourse except the alternative of my collectors filing a lawsuit naming you as the defendant in the General Sessions Courts of Shelby County, owing the \$1,500.00 plus court costs."

64. Mr. Jackson also stated: "Although I have wished to help you, it seems that Melinda Ryan spoke for you with your permission, and now she has fled Memphis without payment or without at least thanking me **OR** making affordable arrangements."

65. In addition, Mr. Jackson threatened to place liens on any property owned by Ms. Watkins or Ms. Ryan.

66. Mr. Jackson further indicated via voicemail that he had an assistant who was a former criminal investigator, who would take unspecified action against Ms. Watkins and Ms. Ryan.

67. At no point during the consultation did Ms. Watkins or Ms. Ryan agree to hire Mr. Jackson, and in fact, they made clear to him that he was *not* being retained.

68. At no point during the consultation did an employment agreement result which would permit the collection of a fee.

69. At no point during the consultation or thereafter did Mr. Jackson indicate a valid basis upon which he was entitled to \$1,500.00.

70. At no point during the consultation or thereafter did Mr. Jackson provide an itemized billing statement.

71. At no point during the consultation or thereafter did Ms. Watkins or Ms. Ryan agree to make any payments to Mr. Jackson.

72. Since Mr. Jackson never answered the allegations contained in the Supplemental Petition for Discipline regarding the Ryan complaint, a default judgment was entered on December 17, 2020, and the only question before the Hearing Panel as to that complaint is the appropriate sanction to be imposed for the disciplinary violations.

CONCLUSIONS OF LAW

1. Pursuant to Tenn. Sup. Ct. R. 9, § 8 (2014), attorneys admitted to practice law in Tennessee are subject to the disciplinary jurisdiction of the Supreme Court, the Board of Professional Responsibility, the Hearing Panel hereinafter established, and the Circuit and Chancery Courts.

2. Pursuant to Tenn. Sup. Ct. R. 9, § 1 (2014), 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.

3. Pursuant to Tenn. Sup. Ct. R. 9, § 11 (2014), acts or omissions by an attorney, individually or in concert with any other person, which violate the Rules of Professional Conduct (“RPC”) of the State of Tennessee constitute misconduct and grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship.

4. The Board has proved by a preponderance of the evidence that Mr. Jackson violated RPC 4.2(a) in the matter involving the Russell complaint. The Board secured a default judgment in the matter involving the Ryan complaint establishing that Mr. Jackson violated RPC 5.5(a) in the matter involving the Ryan complaint.

RPC 4.2

5. Regarding RPC 4.2, when representing a client, attorneys are prohibited from communicating about the subject matter of the representation with a person whom the attorney knows to be represented by another lawyer, unless the lawyer has consent from that other lawyer, or is authorized to do so by law or court order.

6. The Board has proved that Mr. Jackson violated RPC 4.2 by communicating with persons whom he knew were agents or employees of represented parties on the other side of a case about the facts of the case while it was in litigation, when the represented parties' counsel had specifically denied him consent to communicate with their clients' representatives about the case.

7. The Board has proved that Mr. Jackson deliberately and intentionally disregarded the instructions and admonitions of opposing counsel not to interfere with their attorney-client relationship with their clients by sending the clients' representatives intimidating e-mails, phone calls, and letters, without the consent of their counsel.

8. The Board has proved that Mr. Jackson communicated about the subject matter of the case in which Wright Property Management, Inc., (Wright PM) and Edinborough Homeowners Association, Inc., (Edinborough HOA) were represented by counsel with Mario Lara, an agent and employee of Wright PM, and with Ron Howell, Lin Turner, and others on the Board of Directors of the Edinborough HOA, in violation of RPC 4.2.

RPC 5.5(a)

9. Regarding RPC 5.5(a), a lawyer is not permitted to practice law in a jurisdiction in violation of a regulation of the legal profession in that jurisdiction, such as an Order of Suspension promulgated by the Tennessee Supreme Court as in this case.

10. The Board has proved that Mr. Jackson has continued to advertise his legal services on the internet after his license had been suspended in August 2019.

11. The Board has proved that Mr. Jackson represented himself as an attorney to Melinda Ryan, her aunt Kiersten Watkins, and Ms. Gildee, the manager of the Trezevant Assisted Living Center.

12. The Board has proved that Mr. Jackson demanded payment from Ms. Ryan and Ms. Watkins for alleged legal consultations that he claimed he had performed.

13. The Board has proved that Mr. Jackson's license was suspended at the time he was in contact with Ms. Ryan and Ms. Watkins, holding himself out as a lawyer and trying to collect payment from them for legal work, even though he had not been hired to do the work.

ABA STANDARDS

14. Once disciplinary violations have been established, the Panel is to consider the applicable provisions of ABA Standards for Imposing Lawyer Sanctions.

15. Prior to consideration of any aggravating or mitigating circumstances, the following ABA Standards apply to this case:

6.32 Suspension is generally appropriate when a lawyer engages in communication with an individual in the legal system when the lawyer knows that such communication is improper, and causes injury or potential injury to a party or interference or potential interference with the outcome of the legal proceeding.

6.33 Reprimand is generally appropriate when a lawyer is negligent in determining whether it is proper to engage in communication with an individual in the legal system, and causes injury or potential injury to a party or interference or potential interference with the outcome of the legal proceeding.

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

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

16. With respect to the improper communication with represented persons, the panel finds that the correct baseline sanction is a suspension under 6.32. Mr. Jackson was advised numerous times by different attorneys from Hall Booth Smith, P.C., that their firm represented the parties sued by Mr. Jackson, Wright PM and Edinborough HOA, but Mr. Jackson continued communicating with the defendants' agents and employees about the subject matter of the litigation. This pattern persisted throughout 2018, increasing in frequency of contact and level of interference as time went on. His unrestrained and increasingly harmful conduct left attorneys Russell and Williams with no other option but to report the professional misconduct to the disciplinary authorities in October 2018.

17. The unauthorized communications between Mr. Jackson and the represented persons caused injury or, at minimum, potential injury to Wright PM and the Edinborough HOA, who were represented parties in pending litigation by necessitating additional legal expenses in attorney time and heightened stress on their agents and employees who were subjected to Mr. Jackson's threats and intimidation of engaging in abusive discovery practices.

18. With respect to the unauthorized practice of law, the panel finds that the correct baseline sanction is a suspension under 7.2. Mr. Jackson was suspended from the practice of law on August 20, 2019, and was required by Rule 9, §28.8 refrain from undertaking any new legal representation immediately. Nonetheless, Mr. Jackson received a phone call from Ms. Melinda Ryan on January 14, 2020, seeking an attorney to assist her aunt with an elder law issue. Rather than informing Ms. Ryan that his license was suspended, and that he could not assume the legal

representation of any new clients, Mr. Jackson held himself out as an attorney and aggressively attempted to persuade Ms. Ryan and Ms. Watkins to retain him to perform legal work for them.

19. After Ms. Ryan informed Mr. Jackson that she and her aunt did not wish to hire him, he began badgering them and even contacted a third party (Ms. Gildee at Trezevant Assisted Living) in an attempt to coerce Ms. Watkins into paying him an unearned “fee” of \$1500.00.

AGGRAVATING AND MITIGATING FACTORS

20. Pursuant to ABA Sanction 9.22, the Panel finds the following aggravating factors:

- (a) Prior disciplinary offenses: At the time of the hearing, Mr. Jackson was on temporary suspension in a separate matter. However, the Petition for Discipline in this matter and the Supplemental Petition were filed on March 16, 2020, and July 22, 2020, respectively. The Order of suspension by the Supreme Court was issued on August 20, 2019, however, that suspension arose out of Mr. Jackson’s failure to comply with an Order pursuant to Rule 9, § 27.2 of the Rules of the Supreme Court, and has continued in effect since that date. Mr. Jackson has a prior disciplinary violation for charging excessive fees, which was resolved through a private reprimand on July 9, 1998. Trial Exh. 20 (filed under seal). Finally, “[i]n determining the applicable period of suspension, a hearing panel may also consider any aggravating or mitigating factors that would justify an increase or reduction in the discipline imposed.” *Lockett v. Bd. of Prof'l Resp.*, 380 S.W.3d 19, 27 (Tenn. 2012).

- (b) Dishonest or selfish motive: Mr. Jackson had a selfish motive in both instances of misconduct, by seeking to enrich himself.
- (g) Refusal to acknowledge wrongful nature of conduct: Mr. Jackson has never demonstrated any recognition of the inappropriateness of his conduct throughout the course of this disciplinary proceeding.
- (i) Substantial experience: Mr. Jackson has substantial experience in the practice of law, having been licensed since 1967.

21. No mitigating factors were presented in this case.

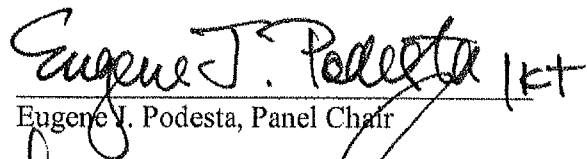
22. Based upon the evidence and admissions in this matter, the Panel finds that a suspension is the appropriate discipline.

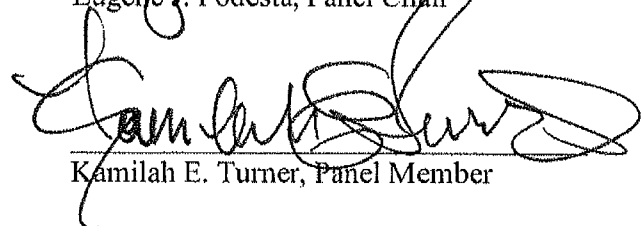
JUDGMENT

Based upon the facts in this case, the application of the Rules of Professional Conduct and considering the ABA Standards, the Hearing Panel finds by a preponderance of the evidence that Mr. Jackson committed disciplinary misconduct and should receive a one year suspension (active) from the practice of law pursuant to Tenn. Sup. Ct. R. 9, § 12.2, to commence upon entry of the Order of Enforcement.

IT IS SO ORDERED.

By the Panel:


Eugene J. Podesta, Panel Chair


Kamilah E. Turner, Panel Member


Anne B. Davis, Panel Member

NOTICE TO RESPONDENT

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.

Respectfully Submitted,

/s/ James W. Milam

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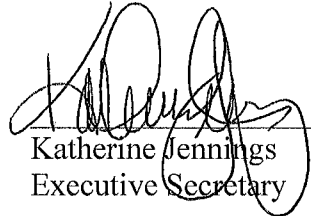
CERTIFICATE OF SERVICE

I certify that a true copy of the foregoing *Findings of Fact, Conclusions of Law, and Judgment (As Proposed Board the Board of Professional Responsibility)* has been served upon Thomas Francis Jackson, by sending a copy of the same via First Class U.S. Mail addressed to Swampson & Co, 502 N. Missouri St., West Memphis, AR 72301 on the 7th day of June 2021.

/s/ James W. Milam
James W. Milam

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been sent to Respondent, Thomas Francis Jackson, c/o Swampson & Company, 502 N. Missouri Street, West Memphis, AR 72301, by U.S. First Class Mail, and hand-delivered to James W. Milam, Disciplinary Counsel, on this the 4th day of August 2021.


Katherine Jennings
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.