

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

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BOARD OF PROFESSIONAL  
RESPONSIBILITY  
*Law*  
EXHIB. 300

**IN RE: SHANNON A. JONES,  
Respondent, BPR #18739  
An Attorney Licensed to  
Practice Law in Tennessee  
(Crockett County)**

**DOCKET NO. 2015-2499-8-AW(30.4d)**

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**JUDGMENT OF THE HEARING PANEL**

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This matter came on for hearing before a duly appointed Hearing Panel upon a Petition for Reinstatement of License and Memorandum in Support of Reinstatement filed on October 19, 2015, by the Petitioner, Shannon Jones, and upon a Response of the Board of Professional Responsibility to Petition for Reinstatement of License filed by the Board of Professional Responsibility ("Board") on October 22, 2015.

The hearing on this matter commenced on January 18, 2016, before the Panel consisting of Charles Anthony Maness, Panel Chair, Jennifer Deen McEwen, Panel Member and Floyd S. Flippin, Panel Member. Present throughout the hearing were the panel members identified above, petitioner Shannon Allen Jones, petitioner's counsel David A. Gold, and Disciplinary Counsel, A. Russell Willis.

After hearing the testimony, arguments of counsel, reviewing the evidence and upon the entire record in this cause, the Panel makes these findings and conclusions.

**FINDINGS OF FACT**

Petitioner, in addition to himself, presented the testimony of five (5) witnesses in support of his request for reinstatement. Testifying on behalf of Petitioner were Troy Klyce, Sheriff

Crockett County; Tom Crider, Public Defender for Crockett County; Ted Rice, Deputy Director of Tennessee Lawyers Assistance Program (TLAP); Mark Agree, Judge for the General Sessions Court for Gibson County; and John Dolan, attorney in Shelby County. In addition to live testimony, petitioner introduced a number of documents as evidence in support of his request for reinstatement. The Board presented no witnesses but offered evidence during cross examination of the Petitioner and his witnesses.

Petitioner received his license to practice law in 1997 and practiced primarily in the Tennessee counties of Crockett, Gibson, Haywood and Dyer. During his legal career, Mr. Jones served as Judge of the General Sessions Court for Crockett County. On February 11, 2011, Mr. Jones was arrested for conspiring to manufacture and distribute methamphetamine. On October 25, 2011, Mr. Jones plead guilty to Conspiracy to Manufacture and Possess with Intent to Distribute Methamphetamine in violation of 21 United States Code 841(a)(1) and 21 United States Code 846. On December 22, 2011, Mr. Jones was summarily suspended from the practice of law by the Tennessee Supreme Court. On January 26, 2012, Mr. Jones was sentenced to six (6) months in prison and three (3) years of supervised release. Mr. Jones successfully completed his supervised release on August 26, 2015. On October 28, 2012, the Tennessee Supreme Court suspended Mr. Jones from the practice of law for a period of three (3) years and required him to comply with the terms of his monitoring agreement with the Tennessee Lawyers Assistance Program (TLAP), pay Board costs of \$280.00 and court costs.

On October 19, 2015, Petitioner filed his Petition for Reinstatement to the practice of law. At the hearing on his Petition, Mr. Jones testified he had completed all of the requirements and conditions of his suspension order. Mr. Jones testified he had completed sufficient Continuing Legal Education (CLE) hours to satisfy his CLE requirements through calendar year 2015; paid

all of his outstanding court and Board costs; and was current with his registration fees and privilege tax obligations. Mr. Jones testified in detail regarding his drug and alcohol addiction that led to his arrest and incarceration. Mr. Jones expressed his remorse at the hearing and described the negative impact his drug and alcohol addiction had on him, his family and friends, his clients and the legal profession. Mr. Jones described the relief he experienced after his arrest as a great burden being lifted off his shoulders. Immediately after his arrest, he contacted TLAP and began a monitoring program contract which he continued after his release from incarceration and renewed at least once after it expired. In addition to working with TLAP, Mr. Jones participated in other local programs and community groups to address his addiction issues. Mr. Jones testified he had refrained from consuming any alcohol and non-prescription drugs since his arrest and had successfully passed every random drug screen he had been requested to take. Mr. Jones testified regarding his legal training, experience and education, and expressed his opinion he was competent in the current state of the law. Mr. Jones further testified that he intended to practice law in Shelby County while being monitored and mentored by John Dolan. Finally, Mr. Jones testified that he had learned a great lesson from his misconduct and worked very hard since his arrest to demonstrate to family and colleagues his commitment to sobriety and that their faith and trust in him would not be betrayed again.

Troy Klyce, Sheriff of Crockett County, testified he had known Mr. Jones for many years and been in his courtroom almost daily. Mr. Klyce testified he was familiar with Mr. Jones' legal skills and abilities from his personal observation of Mr. Jones over several years, and it was his opinion that Mr. Jones was learned in the law and highly competent. Mr. Klyce testified he had contact with Mr. Jones after he left the bench and returned to private practice, and it was his opinion that Mr. Jones was a capable lawyer. Mr. Klyce further testified he had some contact

with Mr. Jones after his release from incarceration, and he was of the opinion that Mr. Jones was remorseful for his criminal conduct; had the moral qualifications required for admission to practice law in this state; and allowing him to resume the practice of law within the state would not be detrimental to the integrity and standing of the bar or the administration of justice, or subversive to the public interest.

Similar to Mr. Klyce, Tom Crider, Public Defender for Crockett County, testified he had known Mr. Jones professionally for many years and was familiar with his legal skills, knowledge and experience. Mr. Crider expressed his opinion that Mr. Jones possessed the moral qualifications required for admission to practice law in this state; and his resumption of the practice of law in Tennessee would not be detrimental to the integrity and standing of the bar or the administration of justice, or subversive to the public interest. Mr. Crider, based upon his personal knowledge, was of the opinion that Mr. Jones currently possessed sufficient legal knowledge and skills to competently practice law in Tennessee.

Mr. Ted Rice, Deputy Director of the Tennessee Lawyers Assistance Program (TLAP), testified that Mr. Jones had been a model participant in various recovery programs and had successfully completed the initial monitoring program and agreed to extend the monitoring an additional two (2) years. Mr. Rice reported that Mr. Jones was subject to random drug screens during the monitoring period, and he never failed to report for a drug test and never failed a test. Mr. Rice testified Mr. Jones would benefit from continued drug and alcohol treatment with TLAP and recommended extending Mr. Jones' monitoring agreement for an additional two (2) years. Conditioned upon an additional two (2) year monitoring agreement being ordered, Mr. Rice opined he knew of no reason Mr. Jones should not return to the practice of law, and Mr.

Jones' resumption of the practice of law would not be detrimental to the integrity and standing of the bar or the administration of justice, or subversive to the public interest provided testimony.

Mark Agee, Judge of the General Sessions Court for Gibson County, testified he had known Mr. Jones for many years and was familiar with Mr. Jones' legal skills and competency. Mr. Agee also testified that he was familiar with the details surrounding Mr. Jones' criminal conviction and his admitted drug addiction. Mr. Agee testified he presided over the local drug court and was very familiar with alcohol and drug addiction and its effects upon family and friends of the addict and the community. Mr. Agee testified that many of the people appearing before him were involved with the manufacturing and distribution of methamphetamine, and it was his opinion that nearly every methamphetamine addict manufactured the drug primarily for their personal consumption. Mr. Agee testified that the longer an addict remains clean and sober and participates in drug and alcohol treatment, the more likely the addict is to remain clean and sober. Based upon the length of time Mr. Jones had been monitored by TLAP and remained clean and sober, Mr. Agee testified Mr. Jones would be unlikely to relapse, reoffend or reengage in criminal conduct. Mr. Agee expressed his opinion that Mr. Jones possessed the moral qualifications required for admission to practice law in this state; and his resumption of the practice of law in Tennessee would not be detrimental to the integrity and standing of the bar or the administration of justice, or subversive to the public interest provided testimony. Further, Mr. Jones currently possessed sufficient legal knowledge and skills to competently practice law in Tennessee.

John Dolan, attorney in Shelby County, testified that he was familiar with TLAP and attorneys suffering from drug and alcohol addiction and participating in monitoring programs through TLAP. Mr. Dolan testified he was familiar with Mr. Jones, his criminal conviction, and

his subsequent treatment progress through TLAP. Mr. Dolan testified he would serve as a mentor to Mr. Jones and would monitor his practice in Shelby County if Mr. Jones were reinstated to the practice of law. Based upon his observations of Mr. Jones, Mr. Dolan expressed his opinion that Mr. Jones possessed the moral qualifications required for admission to practice law in this state; and his resumption of the practice of law in Tennessee would not be detrimental to the integrity and standing of the bar or the administration of justice, or subversive to the public interest provided testimony.

Finally, the Hearing Panel was provided with letters from the United States Attorney and the Jackson-Madison County Bar Association expressing that they took no position on the Petitioner's request for reinstatement to the practice of law.

#### CONCLUSIONS OF LAW

A license to practice law is a privilege, not a right. Hughes v. Bd. Of Prof'l Responsibility, 259 S.W. 3d 631, 641 (Tenn. 2008). "A person suspended from the practice of law is not entitled to have that privilege restored simply because that person has served the sentence imposed for a violation of the criminal laws." Id., *citations omitted*. In order to be granted reinstatement to the practice of law in this state, the Petitioner has the burden of demonstrating by clear and convincing evidence that,

the petitioning attorney has the moral qualifications, competency and learning in law required for admission to practice law in this state, that the resumption of the practice of law within the state will not be detrimental to the integrity and standing of the bar or the administration of justice, or subversive to the public interest, and that the petitioning attorney has satisfied all conditions set forth in the order imposing discipline, including the payment of costs incurred by the Board in the prosecution of the preceding disciplinary proceeding and any court costs assessed against the attorney in any appeal from such proceeding.

Tenn. Sup. Ct. R. 9, § 30.4(d)(1). The clear and convincing standard is higher than a preponderance of the evidence and lower than beyond a reasonable doubt. Clear and convincing

evidence eliminates any serious or substantial doubt concerning the correctness of the conclusions to be drawn from the evidence. It should produce in the fact-finder's mind a firm belief or conviction with regard to the truth of the allegations sought to be established. Hughes, 259 S.W. 3d at 642.

Each ground for reinstatement is separate and must be supported by adequate proof. An applicant for reinstatement may have significant proof on one prong, but little or no proof on another which means he does not carry his burden. Hughes, 259 S.W. 3d at 651 (Tenn. 2008); Milligan v. Bd. of Prof'l Responsibility, 301 S.W.3d 619, 630 (Tenn. 2009)

#### **Moral Qualifications**

With respect to the requirement that a petitioner for reinstatement demonstrate that he has the "moral qualifications" required to practice law in Tennessee, the Tennessee Supreme Court has noted that, "the evidence necessary to demonstrate that one is morally qualified to practice law in this state requires more than conclusory statements; it should also include "specific facts and circumstances which have arisen since [one's conviction] that demonstrate either rehabilitation or remorse.'" Hughes, 259 S.W. 3d at 643 citing Murphy v. Bd. of Prof'l Responsibility, 924 S.W. 2d 643, 647 (Tenn. 1996).

Petitioner's witnesses testified regarding their contact with Petitioner following his release from prison, their knowledge of the details of Petitioner's crime or conviction and their knowledge of Petitioner's treatment and his conduct subsequent to his release from incarceration. The panel finds by clear and convincing evidence that the testimony presented demonstrated Petitioner's remorse for his past misconduct and that Petitioner possess the moral qualifications to be admitted to the practice of law in Tennessee.

### **Competency and Learning in the Law**

In order to gain reinstatement, Petitioner must prove by clear and convincing evidence that he possess the legal competency to be admitted to the practice of law. R. 9 § 30 *supra*. Since his release from incarceration, Petitioner testified and presented evidence that he has attended and completed sufficient continuing legal education classes to meet the general and ethical requirements set by the Continuing Legal Education Commission. In addition, the testimony of the witnesses support Petitioner's testimony that he is learned in the law. The Panel finds by clear and convincing evidence that Petitioner has the legal competency and learning in the law to be admitted to the practice of law in this state.

### **Impact of Reinstatement on the Integrity and Standing of the Bar, Administration of Justice, and the Public Interest**

Determining that reinstatement will not be detrimental to the integrity and standing of the bar, administration of justice and the public interest, requires consideration not only of the nature of the conduct that led to Petitioner's suspension but the impact, if any, that his reinstatement, in the context of his wrongs, will have on the integrity of and public trust in our system of jurisprudence. Hughes, 259 S.W.3d at 646. The Panel is therefore tasked with determining the following:

1. Whether Petitioner has demonstrated the integrity and standing of the Bar will not be damaged by the reinstatement of a lawyer who knowingly conspired to Manufacture and Possess with Intent to Distribute Methamphetamine in violation of 21 United States Code 841(a)(1) and 21 United States Code 846;
2. Whether Petitioner has demonstrated the administration of justice will not be damaged by the reinstatement of a lawyer who knowingly conspired to Manufacture and Possess



with Intent to Distribute Methamphetamine in violation of 21 United States Code 841(a)(1) and 21 United States Code 846; and

3. Whether Petitioner has demonstrated the public interest will not be undermined with the reinstatement of a lawyer who knowingly conspired to Manufacture and Possess with Intent to Distribute Methamphetamine in violation of 21 United States Code 841(a)(1) and 21 United States Code 846.

Petitioner and his witnesses candidly admitted that reinstating a convicted felon to the rolls of the bar could negatively impact the integrity and standing of the bar in general. However, Petitioner and his witnesses also expressed their firm opinion that Mr. Jones, having been successful in his recovery, would serve as a positive example to the bar and the public if he were reinstated to the practice of law. Considering the testimony as a whole and Petitioner's demeanor before the Hearing Panel, Petitioner's reinstatement to the practice of law is unlikely to be detrimental to the integrity and standing of the bar, administration of justice and the public interest. Accordingly, the Hearing Panel finds by clear and convincing evidence that Petitioner has proven his reinstatement would not be detrimental to the standing of the bar, the administration of justice and the public interest.

#### JUDGMENT

Based on these findings of fact and conclusions of law, the Hearing Panel finds by clear and convincing evidence that Petitioner has met all of the requirements of Rule 9 of the Supreme Court for reinstatement to the practice of law in the State of Tennessee; however, the Panel finds that Mr. Jones' reinstatement should be conditioned upon (1) extending his monitoring agreement with TLAP through December 31, 2017, and making the Board a reporting entity, and (2) Mr. John Dolan be engaged as a practice monitor by Petitioner through December 31, 2017,

and Mr. Dolan be required to deliver quarterly written reports to the Board detailing Mr. Jones' performance.

Costs in this matter are taxed to Shannon A. Jones for which execution, if necessary, may issue.

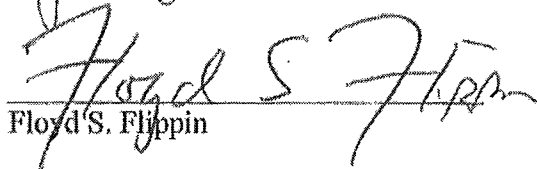
SO ORDERED, this the 10<sup>th</sup> day of February, 2016.



Charles Anthony Maness, Panel Chair



Jennifer Deen McEwen



Floyd S. Flippin

**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 TCA § 27-8-104(A) AND 27-8-106.**