

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

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**IN RE: WILLIAM A. LANE
Respondent, BPR #11848
An Attorney Licensed and
Admitted to the Practice of
Law in Tennessee
(Williamson County)**

DOCKET NO. 2013-2280-6-WM

FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT

This matter came on for hearing before a duly appointed Hearing Panel on March 20, 2014 upon a Petition for Discipline filed by the Board pursuant to Tennessee Supreme Court Rule 9. Present were Patrick Arnold Flynn, Panel Chair; Charles William Holt, Panel Member; Joseph Duncan Baugh, Panel Member; and William C. Moody, Disciplinary Counsel. Mr. Lane was not present for the hearing. Upon statements of counsel, evidence presented, and upon the entire record in this cause, the Panel makes the following findings and judgment.

STATEMENT OF THE CASE

The Petition for Discipline was filed in this cause on December 19, 2013. The Respondent was served by certified mail on December 21, 2013. The Respondent did not file an Answer or otherwise appear. An Order for Default Judgment was entered on February 18, 2014.

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FINDINGS

Mr. Lane has failed to answer the Board's Petition for Discipline. The Hearing Panel has entered an Order of Default and, therefore, pursuant to Tenn. Sup. Ct. R. 9, § 8.2 the charges are deemed admitted.

Mr. Lane has accepted appointments to represent indigent defendants since before 2004.

Compensation of appointed attorneys representing indigent defendants is governed by Tenn. Sup. Ct. R. 13. Claims for compensation by attorneys appointed to represent indigent defendants are submitted to the Administrative Office of the Courts, hereinafter referred to as the "AOC." Tenn. Sup. Ct. R. 13, § 6(a)(1) provides that claims of \$200 or more "...shall be reviewed and approved by the judge who presided over final disposition of the case prior to payment by the AOC."

Tenn. Sup. Ct. R. 13, § 6(a)(6) provides in part as follows: "Counsel will be held to a high degree of care in the keeping of contemporaneous time records supporting all claims and in the application for payment. Counsel is required to maintain records supporting claims for payment." In spite of this requirement, Mr. Lane failed to keep contemporaneous time records in the representation of indigent defendants.

Tenn. Sup. Ct. R. 13, § 2(c) provides for compensation in non-capital cases at a rate of \$40 per hour for time spent in trial preparation and at a rate of \$50 per hour for time spent in court. Time spent in court is defined by Tenn. Sup. Ct. R. 13, § 2(c)(2) as "...time spent before a judge on the case..." In spite of this requirement, Mr. Lane billed \$50 per hour for time traveling to and from court as if it were time spent before a judge in the representation of indigent defendants.

In the representation of indigent defendants, whenever Mr. Lane billed for a client interview he billed for 2.4 hours regardless of the actual length of the interview. Whenever Mr. Lane billed for reviewing discovery provided by the State he billed for 2.3 hours regardless of the amount of materials reviewed. Mr. Lane billed in each case 2.1 hours for reviewing the tape recording of the preliminary hearing regardless of the length of the preliminary hearing. On at least one occasion, Mr. Lane billed 2.1 hours for reviewing the tape recording of a preliminary hearing when there was no preliminary hearing. Whenever Mr. Lane appeared at a single court's probation revocation docket on behalf of multiple clients he billed the full amount of time spent in court in each individual case resulting in double or triple billing for his time. For instance, on one occasion, Mr. Lane appeared in court for a total of just under three hours during which he handled three separate probation revocation cases. He billed three hours on each case for a total of nine hours.

Since July 1, 2004, Mr. Lane has received payments from the indigent defense fund of the AOC totaling \$625,965.93. When his deceptive billing practices were discovered, Mr. Lane voluntarily agreed to withdraw from all appointed cases, not accept new appointments, submit no additional fee claims for work already performed and reimburse the AOC in the amount of \$50,000.

Mr. Lane knowingly submitted claims for compensation to judges and to the AOC that were false, deceptive, unreasonable and in excess of the amount to which he was entitled. Mr. Lane knowingly engaged in conduct involving dishonesty, fraud, deceit and/or misrepresentation. Mr. Lane engaged in conduct prejudicial to the administration of justice.

Mr. Lane violated the prohibition in RPC 1.5 against unreasonable fees.

Mr. Lane violated the prohibition in RPC 3.3 (a)(1) against making a false statement to a tribunal.

Mr. Lane violated the prohibition in RPC 3.4(c) by disregarding the obligations imposed upon him by Tenn. Sup. Ct. R. 13.

Mr. Lane engaged in conduct involving dishonesty, fraud, deceit and misrepresentation in violation of RPC 8.4(c) and conduct prejudicial to the administration of justice in violation of RPC 8.4(d).

Mr. Lane's misconduct resulted in a serious injury to the AOC.

The Panel concludes that ABA Standards 5.11, 6.11 and 7.1 recommending disbarment apply to the Respondent's conduct. The Panel further finds that Respondent's conduct seriously adversely reflects on his fitness to practice law.

5.11 Failure to Maintain Personal Integrity

Disbarment is generally appropriate when:

(a) a lawyer engages in serious criminal conduct, a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; or the sale, distribution or importation of controlled substances; or the intentional killing of another; or an attempt or conspiracy or solicitation of another to commit any of these offenses; or

(b) a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.

Mr. Lane's dishonest billing practices were intentional. Those practices involved dishonesty, fraud, deceit and misrepresentation and seriously adversely reflect on his fitness to practice law.

6.11 Violations of Duties Owed to the Legal System

Disbarment is generally appropriate when a lawyer, with the intent to deceive the court, makes a false statement, submits a false document, or improperly withholds material information, and causes serious or potentially serious injury to a party, or causes a significant or potentially significant adverse effect on the legal proceeding.

Mr. Lane knowingly submitted false bills to the various courts in which he appeared for their approval resulting in serious injury to the indigent defense fund of the AOC.

7.1 Violation of Duties Owed as a Professional

Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system.

Mr. Lane's deceptive billing practices were done knowingly. His deceptive practices were committed with the intent to obtain a benefit. They resulted in a serious injury to the indigent defense fund of the AOC.

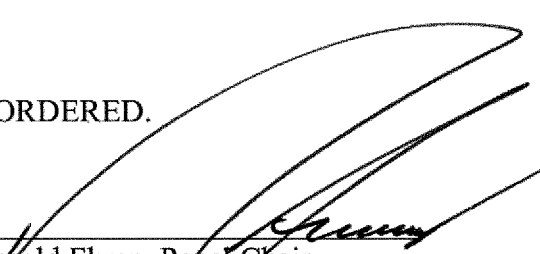
The Panel finds that there are several aggravating factors, including prior disciplinary history, having previously received a private reprimand in 1999 for over-billing the AOC, a dishonest or selfish motive, a pattern of misconduct, multiple violations and substantial experience in the practice of law.

The Panel finds that there are no mitigating factors. Though the Respondent made restitution to the AOC, it was only done after his deceptive billing practices had been discovered by the AOC.

JUDGMENT

Accordingly, it is the decision of the Panel that Respondent should be disbarred.

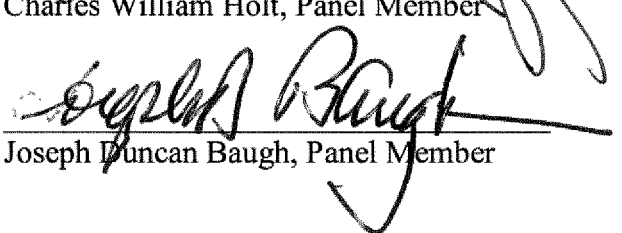
IT IS SO ORDERED.



Patrick Arnold Flynn, Panel Chair



Charles William Holt, Panel Member



Joseph Duncan Baugh, Panel Member

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.