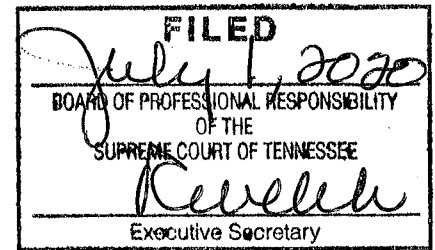


**IN DISCIPLINARY DISTRICT I
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**



**IN RE: WILLIAM BRANCH LAWSON,
BPR No. 010796, Respondent,
an Attorney Licensed to Practice
Law in Tennessee
(Unicoi County)**

DOCKET NO. 2019-3051-1-TL

FINDINGS AND JUDGMENT¹

In light of the panel hearing held in the above-styled matter on Thursday, May 7, 2020 (the “Hearing”), and after careful consideration of the evidence introduced at the Hearing, the Tennessee Rules of Professional Conduct (Tenn. Sup. Ct. R. 8) (“RPC”), and the ABA Standards for Imposing Lawyer Sanctions (“ABA Standards”), the hearing panel (the “Panel”) submits the following as its Findings and Judgment pursuant to Tenn. Sup. Ct. R. 9, § 15.3(a):

STATEMENT OF THE CASE

1. This is a disciplinary proceeding against William Branch Lawson (“Mr. Lawson” or the “Respondent”), an attorney licensed to practice law in the State of Tennessee in 1984.

¹ The Board of Professional Responsibility’s Proposed Findings of Fact and Conclusions of Law were submitted to the hearing panel by letter dated June 4, 2020, thus concluding the panel hearing in this matter.

2. A Petition for Discipline (the "Petition") was filed against Mr. Lawson on November 12, 2019.

3. Although personally served with the Petition on January 8, 2020 (Exhibit 5)², Mr. Lawson failed to respond to the Petition, and his deadline for doing so has expired. Tenn. Sup. Ct. R. 9, § 15.2(b).

4. On March 18, 2020, the Panel entered an Order for Default Judgment, which was filed with the Board of Professional Responsibility of the Supreme Court of Tennessee (the "Board") on the same date.

5. As a result of the Order for Default Judgment, all charges in the Petition are deemed admitted pursuant to Tenn. Sup. Ct. R. 9, § 15.2(b).

6. An evidentiary hearing was held in this matter on Thursday, May 7, 2020.³ The Panel consisted of Julie Rhea Canter, Esq., Chair; Polly Ann Peterson, Esq.; and Richard Edward Ladd, Jr., Esq. A. Russell Willis, Disciplinary Counsel, represented the Board. Mr. Lawson, although provided with a Notice of Telephonic Hearing, failed to participate in the Hearing.

² Unless otherwise noted, exhibit numbers refer to the exhibits introduced at the Hearing.

³ In compliance with relevant orders filed by the Supreme Court of Tennessee, due to the ongoing COVID19 pandemic, the Hearing took place via telephone conference call.

7. By Order filed May 24, 2019, the Supreme Court of Tennessee temporarily suspended Mr. Lawson from the practice of law as provided by Tenn. Sup. Ct. R. 9, § 12.3.⁴

FINDINGS OF FACT

The evidence introduced at the Hearing, including the admissions of Mr. Lawson due to his failure to respond to the Petition, establish the following facts:

8. Mr. Lawson is an attorney admitted by the Supreme Court of Tennessee to practice law in the State of Tennessee. Mr. Lawson's last known address as registered with the Board is 112 Gay Street, Suite A, Erwin, Tennessee 37650-1275, being in Disciplinary District I. Mr. Lawson was licensed to practice law in the State of Tennessee in 1984 and his Board of Professional Responsibility number is 010796.

9. The Board filed the Petition on November 12, 2019. (Exhibit 1).

10. As reflected in the relevant Declaration of Service by Private Process Server, Mr. Lawson was personally served with the Petition on January 8, 2020. (Exhibit 5).

11. The Petition arises out of five separate complaints, four of which were filed by Lewis Welch and Rebecca Welch; Linda Lance; Denise Arnett; and Deana

⁴ Acts or omissions by an attorney that violate the RPC, including acts prior to suspension, constitute misconduct and are grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship. (Tenn. Sup. Ct. R. 9, § 11.1).

Graybeal, respectively. The fifth complaint was filed by the Board and is related to a grand jury indictment of Mr. Lawson arising out of his conduct described in the complaints of Lewis Welch and Rebecca Welch, and Denise Arnett.

12. After the time for Mr. Lawson to answer the Petition expired, the Board filed a Motion for Default Judgment and that Charges in Petition for Discipline be Deemed Admitted ("Motion for Default Judgment") on February 10, 2020.

13. On March 18, 2020, the Panel entered and filed an Order for Default Judgment. As a consequence of Mr. Lawson's failure to answer the Petition, all of the charges in the Petition are deemed admitted.

File No. 6147-1-ES – Lewis Welch and Rebecca Welch

14. On July 8, 2019, the Board received a complaint against Mr. Lawson from Lewis Welch ("Mr. Welch") and Rebecca Welch ("Mrs. Welch"), (collectively, the "Welches"), and forwarded the complaint to Mr. Lawson on July 11, 2019, requesting his response.

15. When he did not respond, the Board sent a second request for response to Mr. Lawson on August 1, 2019.

16. Mr. Lawson has not responded to the Welches' complaint.

17. On or about January 4, 2019, Mr. Lawson was retained by the Welches to represent their daughter, Hannah Welch ("Hannah" or "Hannah Welch"), on a speeding ticket and on an Underage Driving While Intoxicated ("Underage DUI")

charge.

18. The Welches paid Mr. Lawson One Thousand Three Hundred Fifty (\$1,350.00) for his legal services in representing Hannah.

19. Hannah's court date for the speeding ticket was scheduled for March 29, 2019, and the hearing for her Underage DUI charge was scheduled for July 25, 2019.

20. Mr. Lawson advised the Welches that he would be present for both court dates. However, on March 29, 2019 Mr. Welch received a telephone call from Mr. Lawson's office advising him that Mr. Lawson was out of town. Mr. Lawson's office provided Mr. Welch with the contact information for the local court clerk's office and instructions on how to resolve Hannah's speeding ticket.

21. Mr. Welch resolved his daughter's speeding ticket on his own and contacted Mr. Lawson's office to seek a refund for the fees paid for the legal representation of Hannah on the speeding ticket.

22. As with the speeding ticket, Mr. Lawson failed to provide any legal services to Hannah in relation to the Underage DUI charge.

23. Mr. Welch made a final attempt to contact Mr. Lawson at the end of April 2019, and discovered that Mr. Lawson's office phone number had been disconnected.

24. Mr. Lawson failed to provide legal services for which he was paid a fee by the Welches; failed to refund any unearned fees to the Welches; misappropriated

the fees paid to him by the Welches for the legal services for Hannah; failed to properly and adequately communicate with his client(s); abandoned his practice; and knowingly failed to respond to the Board's lawful request for information regarding the Welches' complaint.

File No. 61171c-1-ES – Linda Lance

25. On June 13, 2019, the Board received a complaint against Mr. Lawson from Linda Lance ("Ms. Lance") and forwarded the complaint to Mr. Lawson on June 24, 2019, requesting his response.

26. When he did not respond, the Board sent a second request for response to Mr. Lawson on July 11, 2019.

27. Mr. Lawson has not responded to Ms. Lance's complaint.

28. Mr. Lawson was retained by Ms. Lance to represent her in connection with a Driving Under the Influence ("DUI") charge.

29. For his legal services, Ms. Lance paid Mr. Lawson Seven Hundred Fifty Dollars (\$750.00) by check dated January 3, 2018, and an additional Seven Hundred Fifty Dollars (\$750.00) by check dated January 4, 2018.

30. Mr. Lawson failed to appear in Court to represent Ms. Lance on her scheduled court date for the DUI charge; failed to provide any legal services to Ms. Lance; and Mr. Lawson has not provided a refund to Ms. Lance for the fees she paid him to represent her in connection with the DUI charge.

File No. 60393c-1-ES - Denise Arnett

31. On March 28, 2019, the Board received a complaint against Mr. Lawson from Denise Arnett ("Ms. Arnett") and forwarded the complaint to Mr. Lawson on May 6, 2019, requesting his response.

32. Mr. Lawson has not responded to Ms. Arnett's complaint.

33. Mr. Lawson represented Ms. Arnett's estranged husband, James E. Arnett ("Mr. Arnett"), in a divorce proceeding.

34. Mr. Arnett was to purchase Ms. Arnett's interest in their marital home for \$65,000.00.

35. On or about October 24, 2018, a cashier's check was issued to Mr. Lawson from Citizens Bank/James E. Arnett in the amount of Sixty-Five Thousand Dollars (\$65,000.00) (the "Check").

36. Ms. Arnett and Mr. Arnett agreed that Mr. Lawson would hold the \$65,000.00 in his trust account until the parties' divorce was resolved.

37. On or about December 5, 2018, Mr. Lawson deposited the Check in his trust account.

38. On or about March 8, 2019, a Judgment and Marital Dissolution Agreement ("JMDA") was entered, finalizing the parties' divorce. The JMDA states that Ms. Arnett shall receive "on the day of her divorce" the Sixty-Five Thousand Dollars (\$65,000.00) that was previously deposited into Mr. Lawson's trust account.

39. Mr. Lawson did not bring Ms. Arnett's money with him on the date of the parties' divorce.

40. Ms. Arnett attempted to schedule an appointment with Mr. Lawson on March 11, 2019 and March 12, 2019 in order to obtain the \$65,000.00 she was owed. Mr. Lawson continually told Ms. Arnett that he was in court and could not meet with her.

41. After Mr. Lawson deposited the Check into his trust account on December 5, 2018, the trust account had a balance of Sixty-Five Thousand Twenty-Four Dollars and Forty Cents (\$65,024.40).

42. On or about December 7, 2018, Mr. Lawson wrote a check from his trust account to an individual for Eight Hundred Eighty (\$880.00) for a "refund."

43. On or about December 12, 2018, Mr. Lawson wrote a check from his trust account to an individual for Eleven Thousand One Hundred Thirteen Dollars and Fifty Cents (\$11,113.50) for "Reimbursement Estate Maintenance Fees and Executor's Fees."

44. The disbursements made by Mr. Lawson on December 7, 2018 (\$880.00) and on December 12, 2018 (\$11,113.50) were improper because nearly all the money being held in Mr. Lawson's trust account was money that belonged to Ms. Arnett.

45. Mr. Lawson knowingly and intentionally deprived Ms. Arnett of her money and knowingly and intentionally used Ms. Arnett's money to settle other obligations and cases.

46. Mr. Lawson's actions in this regard were not with the express permission, consent, or knowledge of Ms. Arnett.

File No. 61595-1-ES – Board of Professional Responsibility

47. On or about July 9, 2019, Mr. Lawson was indicted by the Unicoi County Grand Jury for one (1) count Theft of Property \$60,000 or more, but less than \$250,000.00, and one (1) count Theft of Property more than \$1,000, but less than \$2,500.00.

48. The acts underlying the indictment and true bill are Mr. Lawson's misappropriation of the Welches' fees and the funds belonging to Ms. Arnett.

File No. 55019-1-ES – Deana Graybeal

49. On September 6, 2018, the Board received a complaint from Deana Graybeal ("Ms. Graybeal") against Mr. Lawson. The complaint was forwarded to Mr. Lawson on September 11, 2018, requesting his response.

50. Mr. Lawson has not responded to Ms. Graybeal's complaint.

51. On or about January 13, 2017, Ms. Graybeal retained Mr. Lawson to represent her in a personal injury claim. A related "Authority to Represent" was signed by Ms. Graybeal and by Mr. Lawson the same day.

52. Ms. Graybeal authorized Mr. Lawson to file a lawsuit on or about May 2, 2017 against the defendant landowner (the "Defendant") who lived in California.

53. Mr. Lawson did not file the lawsuit until December 5, 2017.

54. Mr. Lawson had process (the "Summons") issued to be served on the Defendant in California; however, the Summons expired before it was served.

55. Mr. Lawson timely had a new Summons issued in April 2018, and he indicated to Ms. Graybeal that the service documents had been sent to California to be served on the Defendant.

56. Ms. Graybeal contacted the Sheriff's Department for the county in California where Mr. Lawson indicated he had sent the Summons to be served.

57. Ms. Graybeal was informed that the Sheriff's Department in California had not received any documents from Mr. Lawson, or from anyone from Mr. Lawson's office.

58. Mr. Lawson's lack of diligence in handling Ms. Graybeal's personal injury action caused significant injury.

CONCLUSIONS OF LAW

A license to practice law in the State of Tennessee is a privilege and it is the duty of every recipient of that privilege to act, at all times, both professionally and personally, in conformity with the standards imposed upon members of the Bar as conditions for the privilege to practice law. (Tenn. Sup. Ct. R. 9, § 1). Attorneys admitted to practice law in the State of Tennessee are subject to the disciplinary

jurisdiction of the Supreme Court of Tennessee, the Board, the Panel, and the Circuit and Chancery Courts of Tennessee. (Tenn. Sup. Ct. R. 9, § 8.1). Acts or omissions by an attorney licensed to practice law in Tennessee, which violate the RPC, constitute misconduct and are grounds for discipline. (Tenn. Sup. Ct. R. 9, § 11.1).

Based on the substantial and material evidence introduced at the Hearing, including the charges to which Mr. Lawson has admitted due to his failure to respond to the Petition (Tenn. Sup. Ct. R. 9, § 15.2(b)), the Panel finds and concludes that the Board has proven, by a preponderance of the evidence (Tenn. Sup. Ct. R. 9, § 15.2(h)), that Mr. Lawson violated the following RPC:

RULE 1.3
DILIGENCE

RPC 1.3 provides: "A lawyer shall act with reasonable diligence and promptness in representing a client."

A lawyer must ... act with commitment and dedication to the interests of [his] client and with zeal in advocacy upon [his] client's behalf. (RPC 1.3, Comment [1]). A lawyer has a duty to act with reasonable promptness and should carry through to conclusion all matters undertaken for a client. (RPC 1.3, Comments [3], [4]).

Mr. Lawson did not act with reasonable diligence and promptness in representing clients Hannah Welch, Ms. Lance and Ms. Graybeal and thus violated RPC 1.3.

RULE 1.5
FEES

RPC 1.5(a) provides: "A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses." The non-exclusive factors to be considered in determining the reasonableness of a fee are set out in RPC 1.5(a)(1)-(10).⁵ Pursuant to RPC 1.5(a)(4), one factor to be considered in determining the reasonableness of a fee includes "the amount involved, and the results obtained." A fee, reasonable on its face, may become unreasonable – and is unearned – if the lawyer does not perform the services for which the fee was intended.⁶

Mr. Lawson accepted a fee from the parents of Hannah Welch in the amount of One Thousand Three Hundred Fifty Dollars (\$1,350.00) to represent Hannah in legal proceedings, but did not perform any legal services for her. Mr. Lawson accepted fee payments from Ms. Lance totaling One Thousand Five Hundred Dollars (\$1,500.00), but not did not perform any legal services for her.

Mr. Lawson charged and collected unreasonable fees from the Welches and from Ms. Lance in violation of RPC 1.5.

⁵ Paragraph (a) [of RPC 1.5] requires that lawyers charge fees that are reasonable under the circumstances. The factors specified in (1) through (10) are not exclusive. (RPC 1.5, Comment [1]).

⁶ Retainer and fixed fees are earned fees so long as the lawyer remains available to provide the services called for by the retainer or for which the fixed fee was charged. (RPC 1.5, Comment [4a]).

RULE 1.15
SAFEKEEPING PROPERTY AND FUNDS

RPC 1.15(a) provides: "A lawyer shall hold property and funds of clients or third persons that are in a lawyer's possession in connection with a representation separate from the lawyer's own property and funds." A lawyer may, however, deposit the lawyer's own funds in [a lawyer's trust] account for the sole purpose of paying financial institution service charges or fees on that account, but only in an amount reasonably necessary for that purpose. Other property shall be identified as such and appropriately safeguarded. (RPC 1.15(b)).

Upon receiving funds or other property in which a client or third person has an interest, a lawyer shall promptly notify the client or third person. Except as stated in [RPC 1.15] or otherwise permitted by law or by agreement with the client, a lawyer shall promptly deliver to the client or third person any funds or other property that the client or third person is entitled to receive and, upon request by the client or third person, shall promptly render a full accounting regarding such funds or other property.⁷ (RPC 1.15(d)).

Mr. Lawson violated RPC 1.15 because he failed to properly identify the owners of the property held in his trust account; failed to promptly deliver to Ms. Arnett the \$65,000.00 deposited in his trust account as payment by Mr. Arnett to

⁷ A lawyer should hold property of others with the care required of a professional fiduciary. (RPC 1.15, Comment [1]).

Ms. Arnett for her interest in their marital home; and failed to safeguard the property of the Welches, Ms. Lance, and Ms. Arnett.

RULE 1.16
DECLINING OR TERMINATING REPRESENTATION

RPC 1.16(b) provides: "Except as stated in paragraph (c), a lawyer may withdraw from representing a client if: (1) withdrawal can be accomplished without material adverse effect on the interests of the client; ... (7) other good cause for withdrawal exists; or (8) the client gives informed consent confirmed in writing to the withdrawal of the lawyer. A lawyer must comply with applicable law requiring notice to or permission of a tribunal when terminating a representation. (RPC 1.16 (c)).

A lawyer who ... withdrawals from representation of a client, shall, to the extend reasonably practicable, take steps to protect the client's interests. (RPC 1.16(d)). Such protection of client interests may include: (1) giving reasonable notice to the client; (2) allowing time for employment of other counsel; (3) cooperating with any successor counsel engaged by the client; (4) promptly surrendering papers and property to which the client is entitled and any work product prepared by the lawyer for the client and for which the lawyer has been compensated; (5) promptly surrendering any other work product prepared by the lawyer for the client, provided, however, that the lawyer may retain such work product to the extent permitted by other law but only if retention of the work product will not have a

materially adverse effect on the client with respect to the subject matter of the representation; and (6) promptly refunding any advance payment of fees that have not been earned or expenses that have not been incurred. (RPC 1.16(d)).

Mr. Lawson (*de facto*) withdrew as counsel for Hannah Welch, Ms. Lance and Ms. Graybeal by abandoning their cases. No good cause for such withdrawal existed at the time. Mr. Lawson's abandonment of his clients involved material adverse effects on the interests of all these clients. Mr. Lawson failed to appear and represent Hannah at any of her scheduled hearings. He failed to appear and represent Ms. Lance at any of her scheduled hearings. Mr. Lawson filed a Complaint on behalf of Ms. Graybeal, but failed to secure timely service of process on the Defendant, and failed to prosecute the action. He terminated his representation without giving any notice to these clients, did not secure their written informed consent to his withdrawal, and generally failed to protect their interests, all in violation of RPC 1.16.

RULE 8.1
BAR ADMISSION AND DISCIPLINARY MATTERS

RPC 8.1 provides, in pertinent part, that a lawyer in connection with a disciplinary matter shall not "knowingly fail to respond to a lawful demand for information from [a] ... disciplinary authority, except this Rule does not require disclosure of information otherwise protected by RPC 1.6."

The Board made lawful demands for information from Mr. Lawson regarding the complaints made by the Welches, Ms. Lance, Ms. Arnett, and Ms. Graybeal. Mr. Lawson has failed to respond to any of the Board's lawful demands for information and there is no evidence that RPC 1.6 would protect such disclosure by Mr. Lawson. Accordingly, Mr. Lawson is in violation of RPC 8.1.

RULE 8.4(b),(c)
MISCONDUCT

"It is professional misconduct for a lawyer to ... (b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects; [or] (c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation[.]" (RPC 8.4(b),(c)). By failing to respond to the Petition, Mr. Lawson admitted all the charges in the Petition. These admitted charges, and the evidence introduced at the Hearing, establish that Mr. Lawson engaged in conduct involving dishonesty, fraud, deceit, and misrepresentation.⁸ Such conduct by Mr. Lawson is a violation of RPC 8.4(c).

ABA STANDARDS

Pursuant to Tenn. Sup. Ct. R. 9, § 15.4(a), "[i]f the hearing panel finds one or more grounds for discipline of the respondent attorney, the hearing panel's

⁸ An admission by Mr. Lawson of the facts alleged in Exhibit 11 (Presentment) to the Petition (Exhibit 1) – due to his failure to respond to the Petition itself - could, for purposes of this disciplinary proceeding, amount to an admission that he also committed at least two criminal acts that reflect adversely on his honesty, trustworthiness, and fitness as a lawyer. Because Mr. Lawson has apparently not been convicted of the related alleged crimes for which he was indicted, the Panel declines to consider any asserted violation of RPC 8.4(b).

judgment shall specify the type of discipline imposed: disbarment (Section 12.1), suspension (Section 12.2), or public censure (Section 12.4).” In determining the appropriate type of discipline, the Panel must consider the applicable provisions of the ABA Standards for Imposing Lawyer Sanctions (“ABA Standards”). Tenn. Sup. Ct. R. 9, § 15.4.

In imposing a sanction after a finding of lawyer misconduct, the Panel should consider the following factors: (a) the duty violated; (b) the lawyer’s mental state; (c) the actual or potential injury caused by the lawyer’s misconduct; and (d) the existence of aggravating or mitigating factors. (ABA Standard 3.0).

For purposes of the ABA Standards, the following definitions apply:

“Injury” is harm to a client, the public, the legal system, or the profession which [sic] results from a lawyer’s misconduct. The level of injury can range from “serious” injury to “little or no” injury; a reference to “injury” alone indicates any level of injury greater than “little or no” injury.

“Intent” is the conscious objective or purpose to accomplish a particular result.

“Knowledge” is the conscious awareness of the nature or attendant circumstances of the conduct but without the conscious objective or purpose to accomplish a particular result.

“Potential injury” is the harm to a client, the public, the legal system or the profession that is reasonably foreseeable at the time of the lawyer’s misconduct, and

which, but for some intervening factor or event, would probably have resulted from the lawyer's misconduct. (ABA Standards, "DEFINITIONS").

ABA Standards for Imposing Lawyer Sanctions are guideposts for determining the appropriate level of discipline for attorney misconduct. *Lockett v. Bd. of Prof'l Responsibility*, 380 S.W.3d 19, 26 (Tenn.2012). The ABA Standards are not designed to propose a specific sanction for each of the myriad of fact patterns in cases of lawyer misconduct, and a hearing panel may consider the full panoply of sanctions applicable to lawyer misconduct even if a particular ABA Standard does not explicitly describe the fact pattern in question. *Bd. of Prof'l Responsibility v. Daniel*, 549 S.W.3d 90, 100 (Tenn. 2018). The ABA Standards suggest the appropriate baseline sanction, and aggravating and mitigating factors provide a basis for increasing or reducing the sanction imposed. ABA Standard 3.0. See also *Green v. Bd of Prof'l Responsibility*, 567 S.W.3d 700, 715 (Tenn. 2019); *Hancock v. Bd. of Prof'l Responsibility*, 447 S.W.3d 844, 857 (Tenn. 2014).

Based upon the evidence admitted at the Hearing, including Mr. Lawson's admission to the charges in the Petition by his failure to respond, and based on the subsequent conclusions and findings by the Panel that Mr. Lawson violated the RPCs set out above, the Panel finds the following ABA Standards are applicable and relevant to its determination of the appropriate discipline to be imposed upon Mr. Lawson:

ABA Standard 4.1 – Failure to Preserve the Client’s Property. Disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client. In this instance, Mr. Lawson knowingly converted client property, causing injury to his clients. (ABA Standard 4.11).

ABA Standard 4.4 – Lack of Diligence. Disbarment is generally appropriate when: (a) a lawyer abandons [his] practice and causes serious or potentially serious injury to a client; or (b) the lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or (c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client. In this instance, Mr. Lawson abandoned his practice, causing serious injury to his clients; knowingly failed to perform services for a client, causing serious injury to his clients; and engaged in a pattern of neglect with respect to client matters, causing serious injury to his clients. (ABA Standard 4.41).

ABA Standard 4.6 – Lack of Candor. Disbarment is generally appropriate when a lawyer knowingly deceives a client with the intent to benefit the lawyer or another, and causes serious injury or potential serious injury to a client. Mr. Lawson knowingly deceived his clients with the intent to benefit himself or another, causing serious injury to his clients. (ABA Standard 4.61).

ABA Standard 5.0 – Violations of Duties Owed to the Public. Disbarment is generally appropriate when a lawyer engages in any ... intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer’s fitness to practice. Mr. Lawson engaged in intentional conduct involving dishonesty, deceit, and misrepresentation, and such conduct seriously and adversely reflects on his fitness to practice law. (ABA Standard 5.11).

ABA Standard 7.0 – Violations of Other Duties 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. Lawson knowingly engaged in conduct that was a violation of duties owed as a professional with the intent to obtain a benefit for himself or others, causing serious injury to a client and the public. (ABA Standard 7.1).

In light of its findings of facts and conclusions of law, and after carefully considering the relevant and applicable ABA Standards,⁹ the Panel concludes that disbarment is the presumptive sanction under the ABA Standards.

AGGRAVATING AND MITIGATING FACTORS

After misconduct has been established, aggravating and mitigating factors may be considered in deciding what sanction to impose. (ABA Standard 9.1). Aggravation or aggravating circumstances are any considerations or factors that may justify an increase in the degree of discipline to be imposed. (ABA Standard 9.21). Mitigation or mitigating circumstances are any considerations or factors that may justify a reduction in the degree of discipline to be imposed. (ABA Standard 9.31).

Aggravating Factors

After determining that they are relevant and applicable to the matters at issue in this disciplinary proceeding, the Panel considered the following aggravating factors in determining the appropriate sanctions to impose on Mr. Lawson:

⁹ As part of its review of the ABA Standards, the Panel specifically, but not exclusively, considered the following: (1) the ethical duties Mr. Lawson violated – whether to a client, the public, the legal system, or his duties as a professional; (2) Mr. Lawson's mental state (as derived from the evidence admitted at the hearing); and (3) the extent of the actual or potential injury caused by Mr. Lawson's conduct. (ABA Standards, "THEORETICAL FRAMEWORK").

Prior Disciplinary Offenses:

Mr. Lawson received a Private Informal Admonition on January 10, 2020 for failing to provide his client with a written statement showing the remittance of payments to her and the method of the determination of payments to her as required by RPC 1.5(c).¹⁰ (Exhibit 2).

Mr. Lawson received an Informal Private Admonition on August 16, 1996 for conditioning a refund of fees upon the execution of a release of liability by the clients in violation of DR 6-102(A) and DR 2-110(A)(3). (Exhibit 3).

Mr. Lawson received a Private Informal Admonition on March 11, 1998 for failing to provide copies of a client's file to the client in violation of RPC 2-110(A)(2) and DR 9-102(B). (Exhibit 4).

Mr. Lawson's prior discipline is an aggravating factor justifying an increase in the degree of discipline to be imposed.

Dishonest or Selfish Motive

Mr. Lawson's dishonest and selfish motives is an aggravating factor justifying an increase in discipline to be imposed.

¹⁰ In a hearing panel's hearing on a Petition, Disciplinary Counsel may submit evidence of prior discipline against the respondent attorney, including prior private discipline, as an aggravating circumstance. (Tenn. Sup. Ct. R. 9, § 15.2(g)). Mr. Lawson did not apply to the Panel for a protective order concerning the admission of evidence of prior private discipline.

Pattern of Misconduct/Multiple Offenses:

Mr. Lawson's pattern of misconduct and multiple offenses is an aggravating factor justifying an increase in the degree of discipline to be imposed. Mr. Lawson has displayed a pattern of not providing legal services for clients after receiving a fee, and not refunding the fee nor withdrawing timely and properly from their cases.

Bad Faith Obstruction of the Disciplinary Proceeding:

Mr. Lawson's bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with the rules of the Board is an aggravating factor justifying an increase in the discipline to be imposed. Specifically, Mr. Lawson failed to respond to any of the Board's lawful requests for information about the complaints at issue.

Refusal to Acknowledge Wrongful Nature of the Conduct

Mr. Lawson's failure to acknowledge the wrongful nature of his conduct is an aggravating factor justifying an increase in discipline to be imposed.

Substantial Experience in the Practice of Law:

Mr. Lawson's substantial experience in the practice of law, having been licensed to practice law in the State of Tennessee since 1984, is an aggravating factor justifying an increase in the discipline to be imposed.

Indifference to Making Restitution

Mr. Lawson has made no offer(s) of restitution to the Welches, Ms. Lance, or Ms. Arnett. This indifference to making restitution is an aggravating factor justifying an increase in the discipline to be imposed.

Mitigating Circumstances

Based upon the evidence admitted during the Hearing, the Panel finds no considerations or mitigating factors that would merit departure from the presumptive sanction of disbarment.

JUDGMENT

Based on the substantial and material evidence introduced and admitted at the Hearing, and after carefully considering the ABA Standards - including the relevant and applicable aggravating and mitigating factors - to determine the appropriate sanctions for Mr. Lawson's violations of the RPC, the Panel concludes and **ORDERS** as follows:

Mr. Lawson is **ORDERED** to pay restitution¹¹ to the following individuals in the following amounts:

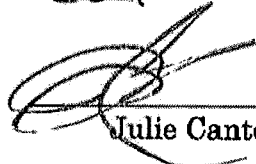
Lewis and Rebecca Welch	\$1350.00
Linda Lance	\$1,500.00
Denise Arnett	\$65,000.00

¹¹ Pursuant to Tenn. S. Ct. R. 9, §§ 12.7, 15.4(a).

Additionally, it is the opinion of the Panel that Mr. Lawson's status as an attorney licensed to practice law in the State of Tennessee should be terminated. Accordingly, it is hereby **ADJUDGED, ORDERED** and **DECREED** that Mr. Lawson shall be, and is, **DISBARRED** pursuant to Tenn. Sup. Ct. R. 9, § 12.1.

The costs of this cause shall be taxed against Mr. Lawson following entry of this Judgment pursuant to the procedures established in Tenn. Sup. Ct. R. 9, § 31.3 (a).

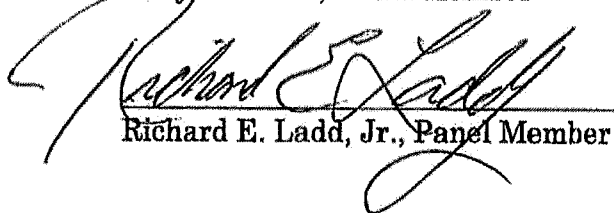
IT IS SO ORDERED AND ENTERED THIS 30th DAY OF June, 2020.



Julie Canter, Panel Chair

(SEE ATTACHED SIGNATURE PAGE)

Polly Peterson, Panel Member



Richard E. Ladd, Jr., Panel Member

NOTICE OF APPEAL RIGHTS

PURSUANT TO TENN. SUP. CT. R. 9, § 33.1, THE RESPONDENT OR THE BOARD MAY APPEAL THE JUDGMENT OF THE PANEL BY FILING - WITHIN SIXTY (60) DAYS OF THE DATE OF ENTRY OF THE PANEL'S JUDGMENT - A PETITION FOR REVIEW IN THE CIRCUIT OR CHANCERY COURT OF THE COUNTY IN WHICH THE OFFICE OF THE RESPONDENT WAS LOCATED AT THE TIME THE CHARGES WERE FILED WITH THE BOARD.

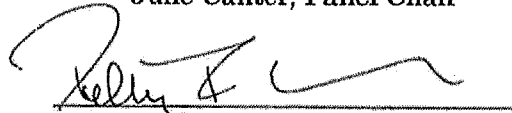
Additionally, it is the opinion of the Panel that Mr. Lawson's status as an attorney licensed to practice law in the State of Tennessee should be terminated. Accordingly, it is hereby **ADJUDGED, ORDERED** and **DECREED** that Mr. Lawson shall be, and is, **DISBARRED** pursuant to Tenn. Sup. Ct. R. 9, § 12.1.

The costs of this cause shall be taxed against Mr. Lawson following entry of this Judgment pursuant to the procedures established in Tenn. Sup. Ct. R. 9, § 31.3 (a).

IT IS SO ORDERED AND ENTERED THIS 30th DAY OF JUNE, 2020.

(SEE ATTACHED SIGNATURE PAGE)

Julie Canter, Panel Chair



Polly Peterson, Panel Member

(SEE ATTACHED SIGNATURE PAGE)

Richard E. Ladd, Jr., Panel Member

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been sent to Respondent, William Branch Lawson, 316 Gay Street, Erwin, TN 37650, via U.S. First Class Mail, and hand-delivered to Joseph K. Byrd, Disciplinary Counsel, on this the 1st day of July, 2020.

A handwritten signature in black ink, 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.