

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

IN RE: BRENT EDWIN LOWE, DOCKET NO. 2008-1742-1-RS  
BPR No. 20848, An Attorney  
Licensed to Practice Law  
In Tennessee (Sevier County)

---

JUDGMENT OF THE HEARING PANEL

---

This cause came to be heard by a Hearing Panel of the Board of Professional Responsibility of the Supreme Court of Tennessee on Oct 8, 2008. After reviewing all the evidence, the comparable cases of discipline, and the applicable ABA standards, this Hearing Panel makes the following Findings of Fact and Conclusions of Law.

**FINDINGS OF FACTS**

1. On March 20, 2008, the Board filed a Petition for Discipline against the Respondent, Brent Edwin Lowe.
2. The Respondent, Brent Edwin Lowe, is an attorney admitted by the Supreme Court of Tennessee to practice law in the State of Tennessee. The Respondent's address as registered with the Board of Professional Responsibility is 905 Long John Trace, Seymour, Tennessee 37865, being in Disciplinary District I. The Respondent's Board of Professional Responsibility number is 20848.
3. Pursuant to Section 1 of Rule 9, any attorney admitted to practice law in Tennessee is subject to the disciplinary jurisdiction of the Supreme Court, the Board of Professional Responsibility, the Hearing Committee, and the Circuit and Chancery Courts.

6. The Respondent did not file a Memorandum of Law nor did he appear at the October 8, 2008 hearing.

7. The Respondent is an attorney admitted by the Supreme Court of Tennessee to practice law in the State of Tennessee. The Respondent's address as registered with the Board of Professional Responsibility is 905 Long John Trace, Seymour, Tennessee 37865, being in Disciplinary District I. The Respondent's Board of Professional Responsibility number is 20848.

8. Pursuant to Section 1 of Rule 9, any attorney admitted to practice law in Tennessee is subject to the disciplinary jurisdiction of the Supreme Court, the Board of Professional Responsibility, the Hearing Committee, and the Circuit and Chancery Courts.

9. Pursuant to Section 3 of Rule 9, 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. Acts or omissions by an attorney which violate the Rules of Professional Conduct of the State of Tennessee shall constitute misconduct and be grounds for discipline.

10. The Respondent has failed to conduct himself in conformity with said standards and is guilty of acts and omissions in violation of the authority cited, and the Board authorized the filing of formal charges on March 14, 2008.

11. On March 27, 2006, a complaint was entered as to the Respondent by the Complainant, Mary Courtright, and designated as File No. 29013-1-TC. The Respondent was notified of the complaint and provided an opportunity to respond. The Board sent the Respondent a second notice of the complaint on April 20, 2006. The Board sent the Respondent a third notice of the complaint on May 15, 2006. The Board sent the Respondent a fourth notice

of the complaint on June 20, 2006. The Respondent responded to the complaint by letter dated June 27, 2006. A copy of the Summary of Complaint and the Respondent's response are attached to the Petition for Discipline as Exhibit A.

12. The Respondent's title company was engaged by the buyers to handle a closing on a sale of property by the Complainant and her husband.

13. At the closing on September 25, 2005, the calculation of the payoff on the Complainant's mortgage was inaccurate on the closing statement.

14. The Respondent agreed to reimburse the Complainant for the amount of the discrepancy, plus ten per cent interest, in the amount of \$400.11 as of November 1, 2005.

15. The Respondent has not made the reimbursement to the Complainant.

16. The Respondent has not responded to repeated inquiries by Disciplinary Counsel requesting that he provide proof that payment was sent to the Complainant.

#### **CONCLUSIONS OF LAW**

17. The acts and omissions by the Respondent constitute ethical misconduct in violation of Rules of Professional Conduct 1.15(b) and 8.4(c).

18. The Panel finds that the Respondent has substantial experience in the practice of law, having been licensed since 2000, and that experience is an aggravating factor in its consideration of discipline.

19. Based on having found grounds for discipline under Section 3 of Rule 9 of the Tennessee Rules of the Supreme Court, the hearing panel finds that the appropriate discipline in this matter is a public censure pursuant to Section 4.4 of Rule 9.

20. The Respondent shall also pay all costs associated with this proceeding.

**JUDGMENT**

IT IS THEREFORE ORDERED by the Hearing Panel that the Respondent should be publicly censured.

THIS THE 17 DAY OF October, 2008.



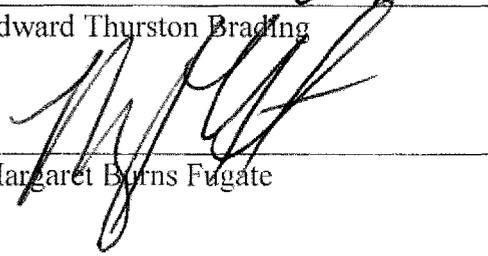
---

John S. Bingham, Chair



---

Edward Thurston Brading

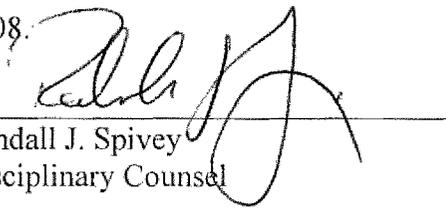


---

Margaret Burns Fugate

Certificate of Service

I certify that a copy of the foregoing Judgment of the Hearing Panel has been mailed to Respondent, Brent Edwin Lowe, Esq., 905 Long John Trace, Seymour, Tennessee, 37865, by regular mail, on this the 15<sup>th</sup> day of October, 2008.

  
\_\_\_\_\_  
Randall J. Spivey  
Disciplinary Counsel