

IN THE CHANCERY COURT FOR HAMILTON COUNTY, TENNESSEE

BOARD OF PROFESSIONAL
RESPONSIBILITY)

v.)

H. OWEN MADDUX)

NO. 02-1061

FILED

2003 APR 10 AM 8:50

S. LEE AYERS, C. & M.

BY *[Signature]*

NOTICE OF ENTRY REQUIRED

ORDER

This matter is before the Court pursuant to a Writ of Certiorari filed by the Board of Professional Responsibility, pursuant to Section 1.3 of Supreme Court Rule 9, seeking review of the Judgment of the Hearing Panel of the Board of Professional Responsibility filed September 17, 2002. This matter arises out of a Petition for Discipline, Docket No. 2001-1218-3(C)-JV, filed by the Board of Professional Responsibility against the Respondent, H. Owen Maddux, on February 7, 2001. The matter came on for trial before the Court on March 20, 2003. The Respondent was represented at trial by Michael E. Callaway and the Board of Professional Responsibility was represented by Disciplinary Counsel, James A. Vick.

The Hearing Panel conducted a hearing on August 29, 2002. The Judgment of the Hearing Panel filed September 17, 2002, found that the Respondent's conduct was in violation of DR

1-102(A) (1) (3) (4) (5) (6) and found that the Respondent should be sanctioned as follows:

1. Respondent shall be suspended from the practice of law for thirty days. Respondent shall provide notice of said suspension to his clients. Respondent's law practice during this period shall be supervised by an attorney approved by the Office of Disciplinary Counsel. Respondent shall not handle or have access to any client funds, accounts, or other property during the suspension.

2. Respondent shall submit an article to the Tennessee Bar Association and the Hamilton County Bar Association for publication discussing Partnership Law and the pitfalls of partnership dissolution within six months.

3. Respondent will perform one hundred hours of community service within two years to be supervised by the Honorable Douglas Meyer of the Criminal Court sitting at Hamilton County.

4. Respondent shall reimburse the Board of Professional Responsibility for all costs and expenses resulting from this hearing on or before December 31, 2002.

5. Respondent shall comply with the Restriction Order entered in the Chancery Court for Hamilton County.

Having considered the findings and Judgment of the Hearing Panel filed September 17, 2002, the record of the Board of Professional Responsibility, the transcript of testimony and exhibits presented at the hearing conducted before the Hearing Panel on August 29, 2002, evidence presented at trial on March 20,

2003, and arguments of counsel, the Court affirms, adopts, and incorporates herein by reference, the Findings of Fact and Conclusions of Law as set forth in the Judgment of the Hearing Panel filed September 17, 2002. The Court, however, modifies the sanctions to be imposed upon the Respondent for his violations of the disciplinary rules, as follows:

1. The Respondent shall be suspended from the practice of law for thirty days.

2. The Respondent shall be on probation for one year.

- a. During the period of probation, the Respondent's law practice shall be monitored and supervised by an attorney approved by Disciplinary Counsel of the Board of Professional Responsibility.
- b. During the period of probation, the Respondent shall not receive, disburse, handle nor have access to any client funds, receipts, accounts, or other property, except with the co-endorsement and/or co-signature of the monitoring attorney.
- c. (a) Failure to strictly comply with all provisions of this Order and/or (b) violation of (i) the Tennessee Rules of Professional Conduct or (ii) the attorney's oath of office, shall be a violation of the Respondent's probation.
- d. The practice monitor shall report monthly to the Disciplinary Counsel of the Board of Professional Responsibility with respect to Respondent's compliance with the requirements of probation.

a. Should the Respondent fail to successfully complete the probationary period, the Respondent shall be suspended from the practice of law for an additional period of six months.

3. The Respondent shall, within six months, submit an article to the Tennessee Bar Association and the Hamilton County Bar Association for publication discussing Partnership Law and the pitfalls of partnership dissolution.

4. The Respondent shall, within two years, perform one hundred hours of community service, proof of compliance with which shall be provided to the Board of Professional Responsibility.

5. The Respondent shall comply with the payments required by the Final Judgment filed in the Chancery Court for Hamilton County, No. 96-1027, on or about October 2, 2000.

6. The Respondent shall comply with Section 18 of Supreme Court Rule 9.

7. The Respondent shall reimburse the Board of Professional Responsibility for all costs and expenses of the disciplinary proceeding and Chancery Court action.

It is, therefore, hereby ORDERED, ADJUDGED, and DECREED that:

1. The Respondent shall be suspended from the practice of law for thirty days.

2. The Respondent shall be on probation for one year.

a. During the period of probation, the Respondent's law practice shall be monitored and supervised by an attorney approved by Disciplinary Counsel of the Board of Professional Responsibility.

- b. During the period of probation, the Respondent shall not receive, disburse, handle nor have access to any client funds, receipts, accounts, or other property, except with the co-endorsement and/or co-signature of the monitoring attorney.
- c. (a) Failure to strictly comply with all provisions of this Order and/or (b) violation of (i) the Tennessee Rules of Professional Conduct or (ii) the attorney's oath of office, shall be a violation of the Respondent's probation.
- d. The practice monitor shall report monthly to the Disciplinary Counsel of the Board of Professional Responsibility with respect to Respondent's compliance with the requirements of probation.
- e. Should the Respondent fail to successfully complete the probationary period, the Respondent shall be suspended from the practice of law for an additional period of six months.

3. The Respondent shall, within six months, submit an article to the Tennessee Bar Association and the Hamilton County Bar Association for publication discussing Partnership Law and the pitfalls of partnership dissolution.

4. The Respondent shall, within two years, perform one hundred hours of community service, proof of compliance with which shall be provided to the Board of Professional Responsibility.

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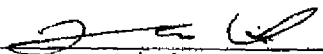
6. The Respondent shall comply with Section 18 of Supreme Court Rule 9.


7. The Respondent shall reimburse the Board of Professional Responsibility for all costs and expenses of the disciplinary proceeding and Chancery Court action.

Entered this the 8th day of APRIL, 2003.


WILLIAM M. DENDER

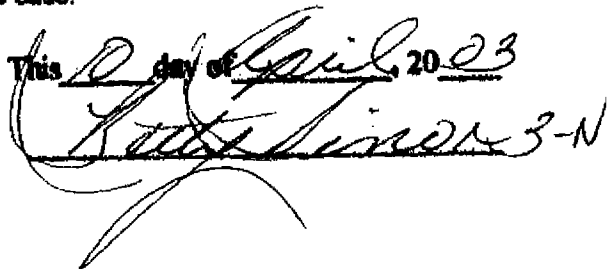
SUBMITTED FOR ENTRY:


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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and exact copy of this pleading has been served upon counsel for all parties at interest in this case.

This 8 day of April, 2003

Katherine Linder 3-N