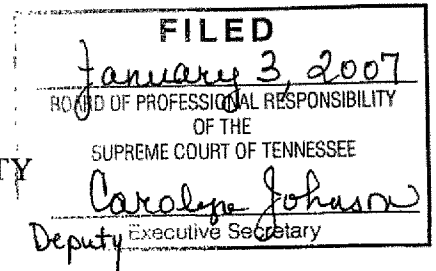


BOARD OF PROFESSIONAL RESPONSIBILITY  
DISCIPLINARY DISTRICT III



IN RE: HUDSON OWEN MADDUX, BPR #515, DOCKET NO. 2006-1601-3(C)-JV  
An Attorney Licensed to Practice Law  
in the State of Tennessee (Hamilton County)

**ORDER IMPOSING SANCTIONS**

This matter came before the Hearing Panel on December 14, 2006. Based upon the evidence submitted at that hearing, including the testimony of Louise K. Livingston, Robert C. Livingston, and Hudson Owen Maddux, and the entire record in this case, the Hearing Panel makes the following findings:

1. Hudson Owen Maddux ("Respondent") was licensed to practice law in Tennessee in 1974. Respondent has never been licensed to practice law in Florida.
2. Louise K. Livingston and Robert C. Livingston retained Respondent's legal services on or about June 11, 1999, in connection with a vehicle accident that occurred in Florida and in which Mrs. Livingston was injured.
3. Respondent failed to zealously represent Mrs. Livingston by, among other ways, inadequately investigating Mrs. Livingston's personal injury claim. Respondent failed to directly contact the physicians treating Mrs. Livingston's knee injury to determine if they would testify to the opinion the subject vehicle collision caused or contributed to the knee condition for which Mrs. Livingston ultimately underwent knee replacement surgery. Respondent instead relied on Mrs. Livingston to speak to her physicians on this subject.
4. Respondent failed to adequately research Florida law to determine the statute of limitations applicable to a personal injury action arising in Florida. Respondent alleges he relied on the representation of the adjuster handling the claim for the liability carrier of the adverse

driver that the statute of limitations in Florida was longer than it actually was. Accordingly, Respondent failed to file Mrs. Livingston's case within the applicable statute of limitations. The failures set forth in this paragraph violate Respondent's duty to zealously and competently represent Mrs. Livingston.

5. Respondent failed to adequately and timely communicate with the Livingstons about the status of their claim and failed to timely inform them that the statute of limitations had expired on their claims.

6. When communicating the fact he had not filed her case within the Florida statute of limitations, Respondent failed to advise Mrs. Livingston she had a potential malpractice case against him. Nor did Respondent advise Mrs. Livingston their positions were in conflict and she should seek independent counsel. Instead, Respondent offered Mrs. Livingston \$9,000.00 to settle her claim against him. Respondent testified he was willing to pay Mrs. Livingston more than \$9,000.00 had she asked for it. Mrs. Livingston failed to seek independent counsel and accepted Respondent's initial offer because she felt she had no other choice. The above violates the requirement that Respondent avoid conflicts of interest in business dealings with a client.

7. Respondent failed to timely respond to the Board of Professional Responsibility's notice of the Livingstons' complaint and failed to timely respond to the petition for discipline.


8. Respondent was previously suspended from the practice of law for 30 days by Order of the Tennessee Supreme Court entered August 27, 2004.

9. Respondent's conduct in connection with his representation of the Livingstons violated numerous provisions of the Tennessee Rules of Professional Conduct, including Rules 1.1, 1.2(a), 1.3, 1.4, 1.8(a), and 8.4(a), (c), and (d). Accordingly, the Hearing Panel finds ample basis for imposing sanctions on Respondent.

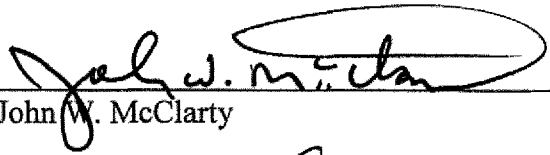
It is hereby ORDERED that Respondent's license to practice law shall be suspended for a period of five (5) months.

It is further ORDERED that all costs of this matter are adjudged against Respondent.

Enter the 29<sup>th</sup> day of December, 2006.



Donna L. Pierce, Hearing Panel Chair



John W. McClarty



Thomas Lynwood Wyatt