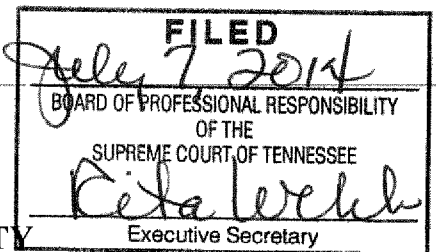


RECEIVED

JUL 07 2014

BOARD OF PROFESSIONAL
RESPONSIBILITY

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



**IN RE: WILLIAM T. MAXWELL,
BPR #006916, Petitioner
An Attorney Licensed and
Admitted to the Practice of
Law in Tennessee
(Shelby County)**

DOCKET NO. 2014-2288-9-AJ (30.4)

JUDGMENT OF THE HEARING PANEL

This matter came on for hearing before a duly appointed Hearing Panel on June 17, 2014, upon a Petition for Reinstatement filed on January 15, 2014, by the Petitioner, William T. Maxwell, and upon an Answer to Petition for Reinstatement filed by the Board of Professional Responsibility ("Board"). Present were Lisa LaVigne, Panel Chair; Kevin G. Ritz, Panel Member; Gregory D. Mangrum, Panel Member; William T. Maxwell, Petitioner; David Gold, counsel for Petitioner; and, Disciplinary Counsel, Alan D. Johnson. The Panel makes these findings and conclusions.

FINDINGS OF FACT

Disciplinary History

On May 16, 2013, a Petition for Discipline was filed against Mr. Maxwell consisting of one complaint based upon Mr. Maxwell's self-report of misappropriation from his escrow account. Between April 1, 2009, and October 12, 2009, Mr. Maxwell withdrew a total of \$136,000.00 from his trust account on four separate occasions. All of the funds were re-paid by Mr. Maxwell in installments, the last installment of which was paid on November 4, 2009. Mr.

Maxwell's accounts were audited by the Title Company on November 9 – 10, 2009, and he self-reported on November 12, 2009. Mr. Maxwell was placed on Disability Inactive status on April 1, 2010, and was reinstated to Active Status on July 19, 2012.

Mr. Maxwell filed an answer to the Petition for Discipline and a hearing was conducted on October 16, 2014. The Hearing Panel filed its Judgment on October 29, 2014, and found that Mr. Maxwell violated Rules of Professional Conduct 1.15 (Safekeeping Property) and 8.4 (a), (c), and (d) (Misconduct). The Hearing Panel held that Mr. Maxwell should be suspended from the practice of law for fifteen (15) months, retroactive to July 19, 2012. The Hearing Panel further recommended that if and when the Respondent seeks reinstatement, that his reinstatement should be conditioned upon compliance with any TLAP recommendations and that he engage a practice monitor with regard to his use of a trust account. The Supreme Court entered an Order of Enforcement that adopted the Hearing Panel's judgment on January 7, 2014.

Petition for Reinstatement

At the Hearing, Mr. Maxwell testified at length regarding his professional career, the circumstances that preceded his misconduct, his struggle with addiction to prescription medication, his recovery and counseling and the changes he has made in his life. Mr. Maxwell takes full responsibility for his actions and was honest, forthcoming, and demonstrated remorse. He testified that he has undergone successful treatment for prescription drug addiction, has participated in AA meetings, has experienced a spiritual change and has in many ways turned his life around.

During the time Mr. Maxwell was suspended, he participated in volunteer work for non-profit organizations, became a certified professional [medical] coder and completed computer processing courses. Mr. Maxwell also worked for the Internal Revenue Service taking calls from

taxpayers needing assistance with the tax returns. In order to perform this job, he underwent several weeks of training with the IRS.

The Hearing Panel finds Mr. Maxwell's testimony to be credible and believes him to be sincere when he insists that he will not repeat his past offenses. The Hearing Panel is, however, concerned that Mr. Maxwell has not attended AA meetings in recent months, and encourages him to resume participation in AA or similar support groups; however, as noted below, a condition of reinstatement is compliance with any recommendations from the Tennessee Lawyer Assistance Program.

In addition to testifying on his own behalf, Mr. Maxwell called seven (7) character witnesses. All of the character witnesses have known Mr. Maxwell for several years, and in one instance, for forty years. Each witness testified based upon their personal knowledge of Mr. Maxwell's personal and professional problems. They were all aware, with varying degrees of detail, of Mr. Maxwell's misconduct and the sanction imposed on him by the Supreme Court. Every witness testified that Mr. Maxwell has a good moral character and is someone they would trust to represent them or to whom they would entrust their money. Several of the witnesses testified that Mr. Maxwell has the competency and learning in the law to resume practice.

One witness, a real estate agent who has worked with Mr. Maxwell in the past, testified that she has had numerous conversations with Mr. Maxwell about his disciplinary problems and that he has confided in her about his remorse and the changes he has undergone as a result.

Another witness, a retired real estate lawyer, testified that he has known Mr. Maxwell for over 25 years and believes him to be one of the better real estate lawyers in Memphis. He acknowledged that Mr. Maxwell's misappropriation was a serious infraction, but believed it to be a lapse in judgment brought about by the difficult circumstances of his life at the time.

Notwithstanding the seriousness of Mr. Maxwell's offense, he testified that reinstatement to the practice of law will not be detrimental to the integrity and standing of the bar. He strongly believes that people should be given a second chance and that Mr. Maxwell is someone who will not repeat his offense.

In summary, the witnesses who testified on his behalf, corroborated Mr. Maxwell's testimony and provided clear and convincing evidence that Mr. Maxwell has the competency and learning in the law and the moral qualifications to resume practice. Moreover, it is clear from the evidence that Mr. Maxwell's reinstatement will not be subversive to the public interest and the administration of justice.

CONCLUSIONS OF LAW

Based upon the evidence presented, argument of counsel and the entire record in this cause, the Hearing Panel finds that Mr. Maxwell has met his burden of proving, by clear and convincing evidence, that he "has the moral qualifications, competency and learning in law required for admission to practice law in this State and that the resumption of the practice of law within the State will not be detrimental to the integrity and standing of the bar or the administration of justice, or subversive to the public interest."

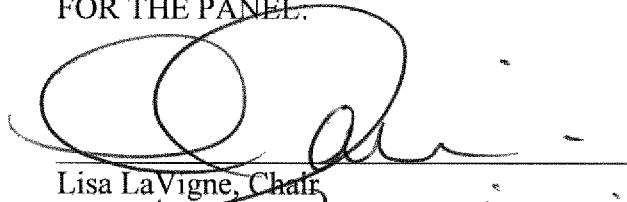
IT IS THEREFORE ORDERED AS FOLLOWS:

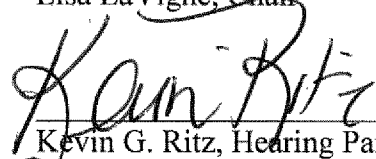
1. The Hearing Panel recommends that the Petitioner's Petition for Reinstatement filed pursuant to Tenn. Sup. Ct. R. 9, § 30, be granted, and the following conditions be placed upon Mr. Maxwell:
 - a. Within thirty days of entry of the Supreme Court Order of Reinstatement, Mr. Maxwell is to undergo an evaluation by the Tennessee Lawyer Assistance Program and comply with any all recommendations of TLAP. Mr. Maxwell shall
-

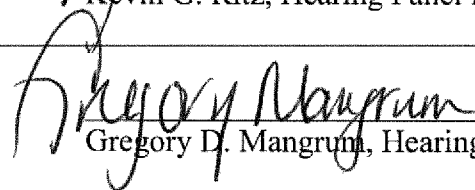
inform the Board, through Disciplinary Counsel, of his compliance with this condition;

- b. Mr. Maxwell shall engage a practice monitor at his own expense who shall meet with Mr. Maxwell on a monthly basis for three years to review and monitor his trust account. The practice monitor shall send monthly reports of these meetings to the Board. ~~Mr. Maxwell shall select three potential practice monitors within~~ thirty days of entry of the Supreme Court Order of Reinstatement and submit the names to the Board for final approval of a practice monitor.
- c. Mr. Maxwell shall engage a practice mentor at his own expense who shall meet with Mr. Maxwell on a monthly basis for three years to assist Mr. Maxwell with his practice and serve as a contact to discuss any ethical issues that arise. The practice mentor shall send monthly reports of these meetings to Board. Mr. Maxwell shall select three potential practice mentors within thirty days of entry of the Supreme Court Order of Reinstatement and submit the names to the Board for final approval of a practice monitor. The same lawyer may serve as both the practice monitor and practice mentor.

FOR THE PANEL.


Lisa LaVigne, Chair

 with permission
By LAZ-Chair
Kevin G. Ritz, Hearing Panel Member

 with permission
By LAZ-Chair
Gregory D. Mangrum, Hearing Panel Member