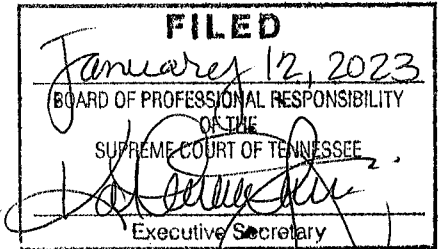


**IN DISCIPLINARY DISTRICT IX
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**



**IN RE: URURA W. MAYERS,
BPR #023319, Respondent,
An Attorney Licensed and
Admitted to the Practice of
Law in Tennessee
(Shelby County)**

DOCKET NO. 2021-3161-9-JB

**FINAL ORDER OF THE HEARING PANEL
INCLUDING FINDINGS OF FACT AND CONCLUSIONS OF LAW**

INTRODUCTION

This is a disciplinary matter against Respondent, Ms. Urura W. Mayers, Esq. (hereinafter “Respondent” or “Ms. Mayers”), which proceeded in accordance with all provisions of Tenn. Sup. Ct. R. 9, § 15. The formal Final Hearing of this matter before the appointed Hearing Panel was held remotely via Zoom on December 1, 2022.

The Hearing Panel presiding over this matter consisted of Panel Chair, Ms. Jennifer Sink, Esq., and Panel Members Mr. Adam Holt Johnson, Esq. and Ms. Anne Davis, Esq. The Board was represented by Disciplinary Counsel Eric Fuller. Respondent Mayers did not have counsel and elected to proceed *pro se* throughout the proceedings.

Respondent did not appear or otherwise participate in the Final Hearing held December 1, 2022. Respondent filed a responsive pleading as to the initial Petition for Discipline, but therein admitted all allegations. Four (4) separate Supplemental Petitions were subsequently filed but Ms. Mayers did not respond to any of them. The Hearing Panel ultimately issued Default Judgement(s) as to each of the four (4) Supplemental Petitions. Thus, all factual allegations were effectively deemed admitted in this matter.

STATEMENT OF THE CASE

1. This disciplinary proceeding was brought by the Board against Ms. Mayers, an attorney licensed to practice law in Tennessee in 2004.
2. On November 19, 2020, based on an initial complaint against Ms. Mayers suggesting that she was using client funds held in her IOLTA trust account for personal purposes, specifically to gamble in casinos, the Board filed with the Tennessee Supreme Court a Petition for Temporary Suspension of Respondent's license to practice law pursuant to Tenn. Sup. Ct. R. 9, § 12.3, for misappropriating funds and posing a threat of substantial harm to the public.
3. On November 30, 2020, the Tennessee Supreme Court issued an Order of Temporary Suspension, requiring that Respondent comply with Tenn. Sup. Ct. R. 9, § 28, regarding the responsibilities of suspended attorneys. § 28 requires, *inter alia*, that the suspended attorney give notice to all clients within ten (10) days of the suspension, return client property and refund fees as necessary, withdraw from all current representation within twenty (20) days, and that the "respondent attorney shall not undertake any new legal matters on or after the effective date of the order." *See* Tenn. Sup. Ct. R. 9, § 28.8.
4. Ms. Mayers has been and remains suspended from the practice of law in the state of Tennessee since issuance of the November 30, 2020 Order of the Court.
5. The initial Petition against Respondent Mayers, in case Docket No. 2021-3161-9-JB, was filed March 11, 2021. The Petition was based on one (1) complaint from SunTrust bank, the institution in which Respondent maintained her IOLTA trust account, giving notice to the Board that the account had incurred one (1) or more overdrafts.
6. The Petition alleged facts largely or entirely identical to the November 19, 2020 Petition for Temporary Suspension of Respondent's license to practice law pursuant to Tenn. Sup.

Ct. R. 9, § 12.3. In short, the Petition alleged that Respondent had utilized client funds without authorization to gamble in Mississippi casinos on multiple occasions, and then misrepresented those facts to the Board upon investigation, to include presenting the Board with intentionally falsified bank records.

7. On March 23, 2021, Respondent filed an Answer to the initial Petition for Discipline. In the Answer, Respondent Mayers admitted all substantive allegations.
8. On June 24, 2021, the Board filed its first Supplemental Petition. This Supplemental Petition was based on three (3) separate complaints submitted to the Board by two (2) trial court judges and one (1) opposing attorney. These complaints all alleged that Respondent repeatedly, knowingly, and intentionally engaged in the unauthorized practice of law, long after her license to practice was suspended on November 30, 2020.
9. Respondent did not file any responsive pleading as to the June 24, 2021 Supplemental Petition.
10. On August 10, 2021, the Board filed a Motion for Default Judgment as to the Supplemental Petition. An Order Granting Default Judgment was thereafter entered by this Panel on October 1, 2021, ruling that all factual allegations in the Supplemental Petition would thereafter be deemed admitted and established.
11. One (1) week prior, on September 24, 2021, the Board filed a Second Supplemental Petition against Respondent Mayers. This Second Supplemental Petition, based on multiple complaints from Respondent's clients, again alleged that Respondent had continued to practice law and represent clients after entry of the November 30, 2020 suspension Order.
12. As to these allegations, Respondent did not respond to Board investigators and filed no responsive pleading as to the Second Supplemental Petition.

13. On December 20, 2021, the Board filed a Third Supplemental Petition, again alleging that based on four (4) separate complaints including one (1) from a trial court judge, two (2) from opposing counsel, and (1) initiated by the Board itself, Respondent was continuing to engage in the unauthorized practice of law despite her suspension on November 30, 2020.
14. Respondent again did not file an Answer or other responsive pleading as to this Third Supplemental Petition.
15. On March 10, 2022, the Board filed a Motion for Default Judgment as to the Third Supplemental Petition.
16. This Hearing Panel thereafter on April 14, 2022, issued a Notice of Hearing, setting oral argument as to the Motion for Default as to the Third Supplemental Petition for April 26, 2022. Respondent notified the Hearing Panel and opposing counsel, shortly before the scheduled hearing, that she would not be attending or participating. The hearing was thereafter canceled, and Disciplinary Counsel instructed to draft a proposed Order Granting Default.
17. Also on April 26, 2022, the Board filed its Fourth Supplemental Petition for Discipline against Respondent. This fourth and final Supplemental Petition was based on a single complaint from a Shelby County Circuit Court judge, alleging that as late as November 2021, a full year after her license to practice law was suspended, Respondent was continuing to engage in the unauthorized practice of law.
18. Again, Respondent did not respond to any inquiries from Board investigators and filed no Answer or other responsive pleadings as to this Fourth Supplemental Petition for discipline.
19. On July 8, 2022, the Board filed a Motion for Default Judgment as to both the Second¹ and Fourth Supplemental Petition(s) for Discipline.

¹ At that point, default had already been granted as to the Supplemental Petition for Discipline, and a Motion

20. On September 23, 2022, this Hearing Panel issued Orders Granting Default Judgment(s) and that all facts alleged be thereafter deemed admitted as to the Second, Third, and Fourth Supplemental Petition(s) for Discipline.
21. On October 27, 2021, the Hearing Panel issued an Order setting pre-trial scheduling deadlines.
22. On November 9, 2022, the Panel issued a Notice of Hearing, setting the Final Hearing of this matter for December 1, 2022.
23. On November 10, 2022, the Board timely filed its witness and exhibit list. Respondent did not file a witness and exhibit list.
24. On November 17, 2022, the Board timely filed its pre-trial brief. Respondent did not file a pretrial brief.
25. The Final Hearing of this matter was held remotely via Zoom on December 1, 2022. Respondent did not appear or otherwise participate in the hearing. No witnesses were called to testify. The Board entered into evidence eleven (11) exhibits designated exhibits A-K and, at the request of the Panel, subsequently a twelfth exhibit, late filed Exhibit L.

FINDINGS OF FACT

After considering the admitted factual allegations as to the Petition for Discipline, and the factual allegations all deemed admitted subsequent to entry of default judgments as to all four (4) Supplemental Petitions for Discipline, as well as the evidentiary exhibits introduced by the Board at the Final Hearing, the Hearing Panel makes the following factual findings with the enumerated facts deemed established to a preponderance of the evidence standard. These findings of fact will be separated, to the extent feasible, by which petition contains the related allegations.

for Default was pending as to the Third Supplemental Petition for Discipline. However, no such motion had been filed as to the Second Supplemental Petition. The Board elected to then file Motions for Default concurrently as to both the Second and Fourth Supplemental Petitions.

(First) Petition for Discipline (March 11, 2021)

26. Respondent Mayers has been licensed to practice law in the State of Tennessee since 2004. Her bar number is 023319. (*See* Answer to Petition for Discipline, ¶ 2).
27. Respondent Mayers was previously disciplined by the Board on two (2) prior occasions: on December 18, 2015, she received a Private Informal Admonition for violation of Rule of Professional Conduct (“RPC”) 1.15. (*See* Certified Copy of Prior Discipline, Board’s Exhibit A). On July 15, 2019, Respondent received a Public Censure for violation of RPC 1.15 and RPC 5.3. (*See* Certified Copy of Prior Discipline, Board’s Exhibit B).
28. On January 22, 2020, the Board received an overdraft notice from SunTrust Bank regarding Ms. Mayers’s IOLTA account. (*See* Answer to Petition for Discipline, ¶ 6).
29. Upon inquiry from the Board, Respondent Mayers made multiple misrepresentations of fact to the Board as the cause of the IOLTA overdraft. (*See* Answer to Petition for Discipline, ¶¶ 30-37).
30. These overdrafts were directly related to Respondent Mayers gambling at Mississippi casinos, on multiple occasions, using her client’s funds, withdrawn from her IOLTA trust account without client authorization. (*See* Answer to Petition for Discipline, ¶¶ 33-34).
31. In an attempt to hide these facts from Board investigators, Respondent Mayers, on at least one (1) occasion, intentionally altered bank records, then submitted those falsified records to the Board. (*See* Answer to Petition for Discipline, ¶¶ 32, 36-37).
32. On October 20, 2020, Respondent sent a letter to Board Disciplinary Counsel, in which she acknowledged that she was not forthright with Disciplinary Counsel about her bank records. (*See* Letter of 10/20/2020, Board’s Exhibit D).

33. In her letter of October 20, 2020, Ms. Mayers disclosed that she was dealing with “process addiction,” and that she was gambling at casinos and then making ATM withdrawals from the IOLTA account. (*See* Letter of 10/20/2020, Board’s Exhibit D).
34. In her letter of October 20, 2020, Ms. Mayers acknowledged that she made an undisclosed number of ATM withdrawals from her IOLTA account and deposited the money back the next day or soon thereafter. (*See* Letter of 10/20/2020, Board’s Exhibit D).
35. Ms. Mayers failed to safeguard client funds in her IOLTA account and made improper withdrawals of unearned fees and/or expenses not yet incurred. (*See* Answer to Petition for Discipline, ¶ 35).
36. Ms. Mayers knowingly made a false statement of material fact in altering her IOLTA bank records and in her explanation to Disciplinary Counsel for why her IOLTA account over drafted. (*See* Answer to Petition for Discipline, ¶ 36).
37. Ms. Mayers’s conduct in altering the bank records and deceiving Disciplinary Counsel constitutes dishonesty, fraud, deceit, or misrepresentation and/or prejudicial to the administration of justice. (*See* Answer to Petition for Discipline, ¶ 37).
38. By the conduct deemed admitted in Respondent’s Answer as to all allegations in this initial Petition for Discipline, the Hearing Panel finds Respondent violated RPC 1.15 (safekeeping property and funds), 8.1(b)(bar admission and disciplinary matters), and 8.4(c) and (d) as to misconduct involving dishonesty, deceit, fraud, or misrepresentation, and as to misconduct that is prejudicial to the administration of justice.

(First) Supplemental Petition for Discipline (June 24, 2021)

39. Based on the facts alleged in the Petition for Discipline and the admissions contained in the October 20, 2020 letter to Disciplinary Counsel (*See* Letter of 10/20/2020, Board’s Exhibit D), the Board filed on November 19, 2020, a Petition for Temporary Suspension

of Respondent's license to practice law pursuant to Tenn. Sup. Ct. R. 9, § 12.3, for misappropriating funds and posing a threat of substantial harm to the public. (*See* Petition for Temporary Suspension, Board's Exhibit C).

40. On November 30, 2020, the Tennessee Supreme Court issued an Order of Temporary Suspension, requiring that Respondent comply with Tenn. Sup. Ct. R. 9, § 28, regarding the responsibilities of suspended attorneys. § 28 requires, *inter alia*, that the suspended attorney give notice to all clients within ten (10) days of the suspension, return client property and refund fees as necessary, withdraw from all current representation within twenty (20) days, and – most critically – the “respondent attorney shall not undertake any new legal matters on or after the effective date of the order.” (*See* Temporary Suspension Order, Board's Exhibit E; *see also* Tenn. Sup. Ct. R. 9, § 28.8).

41. After the full scope of Respondent's misconduct came to light and was wholly admitted by Respondent in the October 20, 2020 letter to Disciplinary Counsel, Respondent commendably acknowledged that she suffered from a gambling addiction and expressed a clear commitment to addressing the addiction issue. (*See* Letter of 10/20/2020, Board's Exhibit D).

42. After initially seeking help from the Mississippi² Lawyer's and Judge's Assistance Program (“MLJAP”), Respondent also sought assistance from the analogous Tennessee agency, the Tennessee Lawyer Assistance Program (“TLAP”). (*See* Letter of 10/20/2020, Board's Exhibit D; *see also* TLAP Monitoring Agreement, Board's Exhibit G).

43. On April 22, 2021, Respondent voluntarily entered into a monitoring agreement with TLAP, which required, *inter alia*, ongoing and consistent therapy, compliance with all

² Respondent is or was at the time also a licensed attorney in the state of Mississippi.

TLAP treatment requirements, participating in support groups, and other monitoring. (*See* TLAP Monitoring Agreement, Board's Exhibit G).

44. On March 5, 2021, Respondent Mayers filed with the Tennessee Supreme Court a Petition for Dissolution of the temporary suspension issued November 30, 2020. (*See* Petition for Dissolution, Board's Exhibit F).
45. The Board opposed the Petition for Dissolution, and on March 16, 2021, a Hearing Panel was appointed to hear evidence and testimony. The Final Hearing was held on April 29, 2021. At the hearing, Respondent appeared and called to testify witnesses, including a staff member from the University of Memphis Gambling Clinic and Mr. Buddy Stockwell, the Director of TLAP. The Board called only Ms. Mayers herself to testify. The parties introduced twenty-two (22) exhibits into evidence. (*See* Hearing Panel Report and Recommendation, Board's Exhibit H, ¶ 8).
46. As noted by the Hearing Panel hearing the Petition for Dissolution, Respondent Mayers had filed, on February 1, 2021, a document titled "Affidavit of Compliance with Order and Tenn. Sup. Ct. R. 9, § 28." (*See* Hearing Panel Report and Recommendation, Board's Exhibit H, ¶ 19).
47. In that sworn affidavit, Respondent asserted that she "disposed of [her] pending court cases on or before, December 30, 2020." (*See* Hearing Panel Report and Recommendation, Board's Exhibit H, ¶ 19).
48. During the hearing, Respondent Mayers testified affirmatively under oath that the actual reason for the initial IOLTA overdrafts, which began the disciplinary proceedings herein, was her use of her IOLTA ATM card to gamble in Mississippi casinos. (*See* Hearing Panel Report and Recommendation, Board's Exhibit H, ¶ 41).

49. During the hearing, Respondent Mayers testified affirmatively under oath that she altered bank records and provided false and misleading explanations for these overdrafts to Board investigators. (*See* Hearing Panel Report and Recommendation, Board's Exhibit H, ¶¶ 43-44).
50. During the hearing, Ms. Mayers further testified under oath that, despite the specific language of the required affidavit of compliance, she had failed in some cases to provide written notice of her suspension to opposing parties and counsel and to her own clients.
51. During the hearing, Ms. Mayers further testified under oath that, despite the specific language of the required affidavit of compliance, she continued to represent clients and practice law as to at least two (2) clients. She similarly testified that, after her suspension, she had appeared or attempted to appear at hearings on behalf of clients, had drafted documents for clients, and that she had otherwise engaged in the practice of law after her license was suspended on November 30, 2020. (*See* Hearing Panel Report and Recommendation, Board's Exhibit H, ¶¶ 43-48).
52. During the hearing, Ms. Mayer's further conceded that she was not in compliance with the Supreme Court's Order to comply with Tenn. Sup. Ct. R. 9, § 28. (*See* Hearing Panel Report and Recommendation, Board's Exhibit H, ¶ 49).
53. The Hearing Panel in the instant disciplinary matter, docket number 2021-3161-9-JB, herein accepts and incorporates by reference, and in full, these findings of fact determined by the prior hearing panel (in docket number 2020-3141-9-AW-12.3) in its order recommending that Respondent's Petition for Dissolution of Temporary Suspension be denied. (*See* Hearing Panel Report and Recommendation, Board's Exhibit H, *generally*).

54. All of the subsequent four (4) supplemental petitions filed against Respondent in this matter, docket number 2021-3161-9-JB, arise from her admitted unauthorized practice of law, first acknowledged during her testimony as described in the Board's Exhibit H.
55. The Hearing Panel herein finds that Respondent was not, at any time, in compliance with Tenn. Sup. Ct. R. 9, § 28 requirements, and that she continued to engage in the unauthorized practice of law after her November 30, 2020 suspension.
56. The Hearing Panel further finds that Respondent knowingly provided false statements under oath in the affidavit of compliance of February 1, 2021, which she presented in support of her Petition for Dissolution.
57. Tenn. Sup. Ct. R. 9, §28.2 required Ms. Mayers provide written notice to clients and opposing counsel of her temporary suspension by registered or certified mail. She did not provide written notice to any of her clients who had pending cases.
58. The Order of Temporary Suspension precluded Ms. Mayers from representing any clients after December 30, 2020.
59. In her Affidavit of Compliance, Ms. Mayers stated under oath that she "disposed of my pending court cases on, or before, December 30, 2020." Ms. Mayers' statements under oath in her affidavit were materially false. Ms. Mayers continued to represent clients while suspended from the practice of law.
60. For example, in one matter, on January 4, 2021, Ms. Mayers filed a proposed final divorce decree and permanent parenting plan with the Shelby County Circuit Court Clerk in the matter of *Stevan Darnell Norman v. Tashombra Rashae Jones*, Case No. CT-3886-20 in which she signed the documents as counsel of record. Ms. Mayers set the matter for hearing on January 6, 2021 before Judge Wagner. On January 6, 2021, Ms. Mayers appeared on behalf of a client in a divorce matter via Zoom before Judge Wagner during

the uncontested divorce hearings docket. On January 11, 2021, Ms. Mayers communicated via email with the divorce referee for Shelby County Circuit Court in a representative capacity in the matter of *Nicole Burns v. John Burns*, Case No. CT-4397-20, a case before Judge Smith. On January 13, 2021, Ms. Mayers signed a proposed decree in the case of *Nicole Burns v. John Burns* that was set to be heard on Judge Smith's affidavit docket.

61. In a second matter, involving a client named Sheena Sullivan, Respondent failed at any time to provide notice to her client, who was in the middle of a divorce proceeding, that she could no longer represent her. Ms. Sullivan ultimately hired successor counsel, but on March 2, 2021, Ms. Mayers contacted Ms. Sullivan stating that she would email her a copy of the proposed Final Decree in the divorce proceeding and advised her that she would not attend the final hearing. On March 3, 2021, Ms. Mayers sent Ms. Sullivan an email requesting that Ms. Sullivan sign in the areas for her signature and "send it back to me and I will send you all the other documents that were emailed earlier to get your divorce finalized at the end of the month." Ms. Mayers' email to Ms. Sullivan included a typed signature as follows: "Urura W. Mayers, Esq."

62. Tenn. Sup. Ct. R. 9, §28.7 required Ms. Mayers to withdraw by motion or agreed order in any pending proceeding in court, agency or tribunal within 20 days after the November 30, 2020. Tenn. Sup. Ct. R. 9, §§28.5 and 28.6 required Ms. Mayers to return any client fees and other property to her clients. As of March 10, 2021, Ms. Mayers remained the attorney of record for Ms. Sullivan in her divorce proceeding and did not return Ms. Sullivan's file materials or refund her fees.

63. By the conduct deemed admitted as to all allegations in this (First) Supplemental Petition, the Hearing Panel finds that Respondent willfully violated the Order of Temporary Suspension issued by the Tennessee Supreme Court by not providing written notice to her

clients regarding her temporary suspension, not timely filing a proper Affidavit of Compliance, not timely withdrawing from pending cases, not returning client file materials and not refunding fees, in violation of RPC 3.4(c)(knowingly disobeying an obligation under the rules of a tribunal).

64. By the conduct deemed admitted as to all allegations in this (First) Supplemental Petition, the Hearing Panel finds that Respondent intentionally and willfully engaged in the unauthorized practice of law in violation of RPC 5.5.

65. By the conduct deemed admitted as to all allegations in this (First) Supplemental Petition, the Hearing Panel finds that Respondent's conduct violated RPC 8.4(a), (c), and (g), for, respectively, violating the Rules of Professional Conduct, engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation, and for knowingly failing to comply with a final court order entered in a proceeding in which the lawyer is a party.

Second Supplemental Petition (September 24, 2021)

66. On March 19, 2021, Ms. Mayers accepted Four Hundred Dollars (\$400.00) in fees to represent a client named Derrick Griffin in an uncontested divorce. On March 31, 2021, Ms. Mayers accepted Three Hundred Six Dollars and 50/100 (\$306.50) from Mr. Griffin for filing fees in the uncontested divorce action. Mr. Griffin called the court and learned the Petition was not filed and Ms. Mayers failed to respond to several texts and calls from Mr. Griffin. On or about April 20, 2021, Ms. Mayers attempted to electronically file the Complaint in Mr. Griffin's case, but the Chancery Court rejected the filing because "[t]he Board of Professional Responsibility website still lists your status as suspended. We will approve the divorce if you provide documentation that your suspension has been lifted."
67. In a separate matter, Respondent Mayers on April 16, 2021, accepted a \$500.00 fee from a client named Stephanie Head to represent her in a divorce proceeding. Ms. Mayers

provided documents to Ms. Head for her and her then husband to sign, and on May 28, 2021, Ms. Head mailed the documents to Ms. Mayers and sent her a text advising her the documents were in the mail.

68. By the conduct deemed admitted as to all allegations in this Second Supplemental Petition, the Hearing Panel finds that Ms. Mayers willfully violated the Order of Temporary Suspension issued by the Tennessee Supreme Court by undertaking new legal matters for Mr. Griffin after her suspension in violation of RPC 3.4(c) and 8.4(g).

69. By the conduct deemed admitted as to all allegations in this Second Supplemental Petition, the Hearing Panel finds that Ms. Mayers knowingly and intentionally engaged in the unauthorized practice law by holding herself out as an actively licensed attorney, preparing legal documents, attempting to file documents with the court, and maintaining an indicia of being a license attorney in violation of RPC 5.5(b).

70. By the conduct deemed admitted as to all allegations in this Second Supplemental Petition, the Hearing Panel finds that Ms. Mayers knowingly and intentionally accepted a fee for legal services, did not provide services for the fee and failed to refund the fee to the client in violation of RPC 1.5(a) and 8.4(a), (b), and (c).

71. By the conduct deemed admitted as to all allegations in this Second Supplemental Petition, the Hearing Panel finds that Ms. Mayers failed to respond to lawful requests for information by Disciplinary Counsel in violation of RPC 8.1.

Third Supplemental Petition (December 20, 2021)

72. On August 30, 2021 and May 24, 2021, Ms. Mayers appeared before Judge Mitzi Pollard in the Juvenile Court of Memphis and Shelby County, Tennessee in the capacity of a lawyer representing a party on a Petition for Grandparent Visitation. This conduct represented unauthorized practice of law long after the November 30, 2020 suspension. When Board

investigators attempted to question Ms. Mayers as to this conduct, she ignored all requests for information.

73. In a separate matter, *Janice Jennifer Hopkins v. Tony Lashun Hopkins*, No. CH-21-0494, in the Shelby County Circuit Court, Respondent Mayers impermissibly filed on April 15, 2021, a complaint for divorce decree on behalf of her client Janice Hopkins. Ms. Mayers did not sign the Complaint but the Marital Dissolution Agreement she filed with the Complaint states that Ms. Hopkins is represented by “Attorney Urura Mayers.”

74. In a separate matter, Respondent Mayers impermissibly represented a client named Torrence Keith Jones in an uncontested divorce proceeding. On November 12, 2021, almost a full year after her license to practice law was suspended, Ms. Mayers sent a letter on law-firm letterhead to Ms. Maria Jones stating that she represented her husband. Ms. Mayers prepared a Marital Dissolution Agreement and directed Ms. Jones to sign the document. Upon Board investigation, Mayers again refused to respond to all lawful requests for information as to her unlawful conduct.

75. By the conduct deemed admitted as to all allegations in this Third Supplemental Petition, the Hearing Panel finds that Ms. Mayers willfully violated the Order of Temporary Suspension issued by the Tennessee Supreme Court by undertaking new legal matters and filing documents with the court after her suspension in violation of RPC 3.4(c) and 8.4(g).

76. By the conduct deemed admitted as to all allegations in this Third Supplemental Petition, the Hearing Panel finds that Ms. Mayers knowingly and intentionally engaged in the unauthorized practice law by holding herself out as an actively licensed attorney, filing documents in court on behalf of clients, and maintaining an indicia of being a license attorney in violation of RPC 5.5(b).

77. By the conduct deemed admitted as to all allegations in this Third Supplemental Petition,

specifically as to her false and misleading testimony regarding the aforementioned matters before another hearing panel in the petition for dissolution proceedings, the Hearing Panel finds that Ms. Mayers testimony under oath before the Panel at the April 29, 2021 hearing, was false and contained material false statements of fact.

78. The Hearing Panel further finds that Ms. Mayers' false statements of fact under oath before the Panel in an official proceeding on April 29, 2021 constitute the crime of perjury which reflects adversely on her honesty, trustworthiness, or fitness as a lawyer in violation of RPC 8.4(b) and (c).

79. The Hearing Panel further finds that Ms. Mayers' false statements of fact under oath before the Panel in an official proceeding on April 29, 2021 constitute conduct that is prejudicial to the administration of justice in violation of RPC 8.4(d).

80. Notably, prior to this Hearing Panel convening a hearing as to the Motion for Default Judgment as to this Third Supplemental Petition, Respondent sent to the Executive Secretary of the Board an e-mail that stated as follows: "I will not be able to attend but you can proceed without me. Enjoy the rest of your weekend!" The Hearing Panel finds this communication to have probative evidentiary value as to Respondent's cavalier attitude to these proceedings and her lack of interest in continuing to maintain the possibility of practicing law in Tennessee. (*See* Mayers e-mail of 4-26-22, Board's Exhibit I).

Fourth Supplemental Petition (April 26, 2022)

81. On August 18, 2022, prior to the suspension of her license to practice law, Respondent filed a complaint for divorce and marital dissolution on behalf of a client named Schontell Cole. On November 3, 2021, almost a year after Respondent's November 30, 2020, suspension was enforced, and while still suspended from the practice of law, an Amended

Marital Dissolution agreement (“MDA”) prepared on behalf of Ms. Cole was left in the Shelby County Circuit Court clerk’s drop box to be filed. The document was not filed via the online portal. Although the MDA was signed by Ms. Cole and not by Respondent, the corrections to the MDA were the corrections the divorce referee had instructed Respondent Mayers to make to the original marital dissolution agreement. At a hearing regarding the MDA held on November 24, 2021, Ms. Cole appeared without Respondent. Ms. Cole informed the court that Respondent had instructed Ms. Cole to attend the hearing and that Respondent would be unable to attend. Ms. Cole further informed the Court on November 24, 2021, that Respondent had provided her with all relevant documents in the divorce proceeding. Some of the documents in Ms. Cole’s possession were dated September 2021.

82. In a separate matter before the same court, during the week of November 29, 2021, Respondent Mayers emailed documents to a divorce referee prior to a hearing, and informed the referee that her client would be appearing *pro se*.

83. When the Board sought information from Respondent as to this conduct, Ms. Mayers responded to none of the Board’s queries.

84. By the conduct deemed admitted as to all allegations in this Fourth Supplemental Petition, the Hearing Panel finds that Respondent willfully violated the Order of Temporary Suspension issued by the Tennessee Supreme Court by preparing and filing legal documents, providing clients with legal counsel, failing to inform clients of her suspension, and continuing to provide legal representation to clients after her suspension in violation of RPC 3.4(c) and 8.4(g).

85. By the conduct deemed admitted as to all allegations in this Fourth Supplemental Petition, the Hearing Panel finds that Respondent knowingly and intentionally engaged in the unauthorized practice law by holding herself out as an actively licensed attorney and

maintaining the indicia of being a licensed attorney in violation of RPC 5.5(b).

86. By the conduct deemed admitted as to all allegations in this Fourth Supplemental Petition, the Hearing Panel finds Respondent knowingly and dishonestly attempted to conceal her unauthorized practice of law, by sending her clients to hearings with instructions to falsely inform the court that they are representing themselves, and by filing or having filed documents she prepared but with her name and signature intentionally omitted as the drafter of the documents, in violation of RPC 8.4(a) and (c).

87. By the conduct deemed admitted as to all allegations in this Fourth Supplemental Petition, the Hearing Panel finds Ms. Mayers failed to respond to a lawful request for information by Disciplinary Counsel in violation of RPC 8.1(b).

Additional Findings of Fact

88. On December 1, 2022, the morning of the Final Hearing of this matter, Respondent sent to the Panel Members the following e-mail: "This has been a long, taxing order and while I have enjoyed practicing for almost two decades, I am not going to waste the Board or anyone else's time appearing on this afternoon so I am voluntarily surrendering my license for the record. I wish everyone a Safe and Prosperous New Year!"

89. Respondent did not appear at the hearing that afternoon and did not again communicate or in any other way participate in the disciplinary process.

90. No evidence has been presented that Respondent has actually taken any required steps to formally surrender her license to practice law pursuant to Tenn. Sup. Ct. R. 7, § 15.01.

91. At the Panel's request, Board counsel obtained and late-filed as an exhibit documentation of Ms. Mayer's non-compliance with her TLAP treatment protocols. According to the evidence submitted, in the form of a letter dated February 28, 2022, from TLAP Director Buddy Stockwell to the Board of Professional Responsibility, Respondent Mayers was

substantially non-compliant with the TLAP monitoring agreement as of the date of the letter. (*See* letter of 2/28/2022, Board's Exhibit L).

92. The Hearing Panel again commends Respondent for her initial efforts to seek treatment and counseling to address the underlying addiction issues, but respectfully finds as a factual matter that her TLAP compliance ended on February 28, 2022.

CONCLUSIONS OF LAW

93. The jurisdiction and authority of this Panel is derived from Tenn. Sup. Ct. R. 9, and the specific provisions prescribed therein. Attorneys admitted to practice law in Tennessee are subject to the disciplinary jurisdiction of the Supreme Court, the Board of Professional Responsibility, the Hearing Committee, hereinafter established, and the Circuit and Chancery Courts. (*See* Tenn. Sup. Ct. R. 9, § 8)
94. 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 (*See* Tenn. Sup. Ct. R. 9, § 1). Acts or omissions by an attorney, individually or in concert with any other person, which violate the Rules of Professional Conduct of the State of Tennessee constitute misconduct and grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship. (*See* Tenn. Sup. Ct. R. 9, § 11).
95. Based on the foregoing findings of fact, the Hearing Panel now concludes as a matter of law, based on the admissions in the Petition for Discipline, and upon the Default Judgments granted as to all subsequent Supplemental Petitions and all facts therein being subsequently deemed admitted, that Respondent's conduct violated each and all of the following Rules of Professional Conduct, as enumerated above and further set out below: RPC 1.5 (fees), RPC 1.15 (safekeeping property and funds), RPC 3.4(c)(fairness to opposing party and

counsel), RPC 5.5(b)(unauthorized practice of law), RPC 8.1 (bar admission and disciplinary matters), and 8.4(a), (b), (c), (d), and (g)(misconduct).

Rule 1.5
FEES

- (a) A lawyer shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses. The factors to be considered in determining the reasonableness of a fee include the following:
- (1) the time and labor required, the novelty and difficulty of the questions involved, and the skill requisite to perform the legal service properly;
 - (2) the likelihood, if apparent to the client, that the acceptance of the particular employment will preclude other employment by the lawyer;
 - (3) the fee customarily charged in the locality for similar legal services;
 - (4) the amount involved and the results obtained;
 - (5) the time limitations imposed by the client or by the circumstances;
 - (6) the nature and length of the professional relationship with the client;
 - (7) the experience, reputation, and ability of the lawyer or lawyers performing the services;
 - (8) whether the fee is fixed or contingent;
 - (9) prior advertisements or statements by the lawyer with respect to the fees the lawyer charges; and
 - (10) whether the fee agreement is in writing.

RULE 1.15: SAFEKEEPING PROPERTY AND FUNDS

- (a) 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.
- (b) Funds belonging to clients or third persons shall be deposited in a separate account maintained in an FDIC member depository institution having a deposit-accepting office located in the state where the lawyer's office is situated (or

elsewhere with the consent of the client or third person) and which participates in the required overdraft notification program as required by Supreme Court Rule 9, Section 35.1. A lawyer may deposit the lawyer's own funds in such an 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. Complete records of such funds and other property shall be kept by the lawyer and shall be preserved for a period of five years after termination of the representation.

(1) Except as provided by subparagraph (b)(2), interest earned on accounts in which the funds of clients or third persons are deposited, less any deduction for financial institution service charges or fees (other than overdraft charges) and intangible taxes collected with respect to the deposited funds, shall belong to the clients or third persons whose funds are deposited, and the lawyer shall have no right or claim to such interest. Overdraft charges shall not be deducted from accrued interest and shall be the responsibility of the lawyer.

(2) A lawyer shall deposit all funds of clients and third persons that are nominal in amount or expected to be held for a short period of time such that the funds cannot earn income for the benefit of the client or third persons in excess of the costs incurred to secure such income in one or more pooled accounts known as an "Interest on Lawyers' Trust Account" ("IOLTA"), in accordance with the requirements of Supreme Court Rule 43. A lawyer shall not deposit funds in any account for the purpose of complying with this sub-section unless the account participates in the IOLTA program under Rule 43.

(3) The determination of whether funds are required to be deposited in an IOLTA account pursuant to subparagraph (b)(2) rests in the sound discretion of the lawyer. No charge of ethical impropriety or other breach of professional conduct shall attend a lawyer's exercise of good faith judgment in making such a determination.

(c) A lawyer shall deposit into a client trust account legal fees and expenses that have been paid in advance, to be withdrawn by the lawyer only as fees are earned or expenses incurred.

(d) 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 this Rule 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.

(e) When in the course of representation a lawyer is in possession of property or funds in which two or more persons (one of whom may be the lawyer) claim interests, the property shall be kept separate by the lawyer until the dispute is

resolved. The lawyer shall promptly distribute all portions of the property or funds as to which the interests are not in dispute.

RULE 3.4(c)
FAIRNESS TO OPPOSING PARTY AND COUNSEL

A lawyer shall not:

...

- (c) knowingly disobey an obligation under the rules of a tribunal, except for an open refusal based on an assertion that no valid obligation exists; or ...

RULE 5.5(b)
**UNAUTHORIZED PRACTICE OF LAW;
MULTIJURISDICTIONAL PRACTICE OF LAW**

- (b) A lawyer who is not admitted to practice in this jurisdiction shall not:
 - (1) except as authorized by these Rules or other law, establish an office or other systematic and continuous presence in this jurisdiction for the practice of law; or
 - (2) hold out to the public or otherwise represent that the lawyer is admitted to practice law in this jurisdiction.

RULE 8.1: BAR ADMISSION AND DISCIPLINARY MATTERS

An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:

- (a) knowingly make a false statement of material fact; or
- (b) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by RPC 1.6.

RULE 8.4: MISCONDUCT

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act that reflects adversely on the lawyer's honesty,

trustworthiness, or fitness as a lawyer in other respects;

- (c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;
- (d) engage in conduct that is prejudicial to the administration of justice;

....

- (g) knowingly fail to comply with a final court order entered in a proceeding in which the lawyer is a party, unless the lawyer is unable to comply with the order or is seeking in good faith to determine the validity, scope, meaning, or application of the law upon which the order is based.

APPLICATION OF THE ABA STANDARDS

Pursuant to Tenn. Sup. Ct. R. 9, § 8.4, the appropriate discipline must be based upon application of the ABA Standards for Imposing Lawyer Sanctions, (“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 judgment shall specify the type of discipline imposed: disbarment (Section 12.1), suspension (Section 12.2), or public censure (Section 12.4).”

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). Under the ABA Standards, intent is defined as “the conscious objective or purpose to accomplish a particular result” and knowledge is defined as “the conscious awareness of the nature or attendant circumstances of the conduct but without the conscious objective or purpose to accomplish a particular result.”

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 *Hancock*, 447 S.W.3d at 857 (length of an attorney’s suspension, however, depends in large part on the aggravating and mitigating circumstances).

Per the following ABA standards, disbarment is the baseline sanction for the admitted and undisputed misconduct in this case:

- 4.61 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 potentially serious injury to a client.
- 5.11 Disbarment is generally appropriate when:
 - ...
(b) a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.
- 6.21 Disbarment is generally appropriate when a lawyer knowingly violates a court order or rule with the intent to obtain a benefit for the lawyer or another, and causes serious injury or potentially serious injury to a party, or causes serious or potentially serious interference with a legal proceeding.
- 7.1 Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed to the profession 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.

Aggravating and Mitigating Circumstances

Under § 9.2 of the ABA Standards for Imposing Lawyer Sanctions, after misconduct has been established, mitigating and aggravating circumstances may be considered in deciding what punitive sanctions to impose.

Here, there are mitigating factors present under § 9.32 of the ABA Standards, including: an absence of a significant prior disciplinary record, the presence of personal or emotional problems (gambling addiction), prior good character or reputation, and – at least initially, in the October 20, 2020 letter discussed *supra* – full and free disclosure to the disciplinary board.

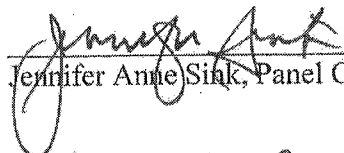
However, there are many aggravating factors as listed in § 9.32 of the ABA Standards, particularly after the Petition for Dissolution was denied, including multiple offenses, dishonest or selfish motives, substantial experience in the practice of law, a pattern of similar misconduct, bad faith obstruction of the disciplinary proceedings, and submission of false evidence, false

statements, or other deceptive practices. All of these aggravating circumstances justify an increase in the degree of discipline to be imposed, although the baseline sanction is permanent disbarment even prior to consideration of the aggravating factors.

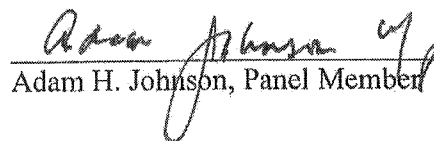
JUDGMENT

Based upon Respondent's admissions to all allegations in the initial Petition for Discipline and upon the Default Judgments granted as to all four (4) subsequent Supplemental Petitions, and all factual allegations therein being thereafter deemed admitted, and upon the evidence presented at the Final Hearing, application of the Rules of Professional Conduct, and consideration of the applicable ABA Standards and the aggravating and mitigating circumstances in this matter, the Hearing Panel finds by a preponderance of the evidence that Ms. Mayers committed disciplinary misconduct and should be permanently disbarred from the practice of law pursuant to Tenn. Sup. Ct. R. 9, § 12.1.

ENTERED ON THIS THE 12th DAY OF JANUARY 2023.


Jennifer Anne Sihk, Panel Chair

 w/ permission
Anne B. Davis, Panel Member

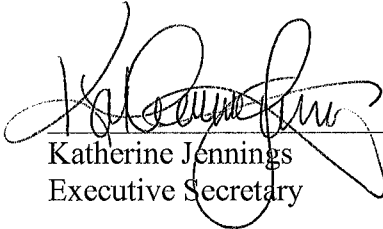
 w/ permission
Adam H. Johnson, Panel Member

NOTICE

This judgment may be appealed pursuant to Tenn. Sup. Ct. R. 9, § 33 (2014) by filing a Petition for Review in the Circuit or Chancery Court within sixty (60) days of the date of entry of the hearing panel's judgment.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been sent to Urura W. Mayers, 100 Peabody Place, Ste. 150, Memphis, TN 38103, by U.S. First Class Mail, and hand-delivered to Eric A. Fuller, Disciplinary Counsel, on this the 12th day of January 2023.


Katherine Jennings
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.