

IN DISCIPLINARY DISTRICT 0  
OF THE  
BOARD OF PROFESSIONAL RESPONSIBILITY  
OF THE  
SUPREME COURT OF TENNESSEE

FILED  
2011 MAY 12 PM 3:26  
BOARD OF PROFESSIONAL  
RESPONSIBILITY  
EXEC. SEC

IN RE: **BOBBY A. McGEE,**  
**BPR # 009222, Respondent**  
**An Attorney Licensed and**  
**Admitted to the Practice of**  
**Law in Tennessee**  
**(Perry County)**

DOCKET NO. 2010-1916-0-CM(14)

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**FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT**

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This matter came on for hearing before a duly appointed Hearing Panel on April 20, 2011, upon a Petition for Final Discipline filed by the Board pursuant to Tennessee Supreme Court Rule 9, §14. Present were Carol Mathis Joiner, Panel Chair; Larry Rocconi, Jr., Panel Member; Markley Gill, Panel Member; and Kevin D. Balkwill, Disciplinary Counsel. Respondent, Bobby A. McGee, was properly served with the Petition for Final Discipline and failed to file any responsive pleading or appear at the final hearing. Upon statements of counsel, evidence presented, and upon the entire record in this cause, the Panel makes the following findings and judgment.

STATEMENT OF THE CASE

On April 12, 2010, the Tennessee Supreme Court suspended Respondent pursuant to Tennessee Supreme Court Rule 9, §14, due to Respondent's criminal convictions in two separate matters. In the first case, Respondent was found guilty by a unanimous jury

verdict in the United States District Court for the Northern District of Florida of a serious crime, to wit: two (2) counts of Using Interstate Commerce to Induce a Minor to Engage in Sexual Activity, a Class C Felony in violation of 18 U.S.C. 2422(b). In the second case, Respondent entered a plea of guilty in the United States District Court for the Western District of Tennessee, to a serious crime, to wit: the knowing possession of approximately 185 computer image files depicting minors engaged in sexually explicit conduct, a Class D Felony in violation of 18 U.S.C. 2252(a)(4)(B).

The April 12, 2010, Tennessee Supreme Court Order referred the matter to the Board of Professional Responsibility for the institution of formal proceedings. Accordingly, the Petition for Final Discipline was filed in this cause on May 18, 2010. The Board submitted a pre-trial brief for the Panel's consideration.

#### FINDINGS

The Panel finds that Respondent violated Rule 8.4(a), (b), (c), and (d) of the Tennessee Rules of Professional Conduct by his conduct which resulted in two criminal convictions in two separate courts.

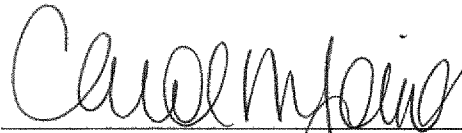
Additionally, the Panel finds that Respondent admitted that he had violated Rule 8.4(a), (b), (c), and (d) of the Tennessee Rules of Professional Conduct and submitted a Conditional Guilty Plea to that effect in his revocation proceeding for violating his prior disciplinary order.

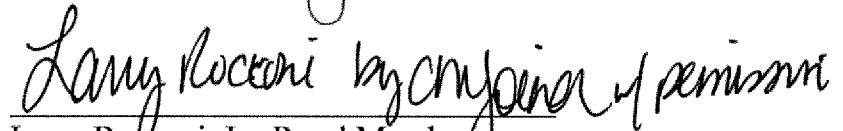
After hearing arguments from the Board, the Panel considered the applicable provisions of the ABA Standards for Imposing Lawyer Sanctions.

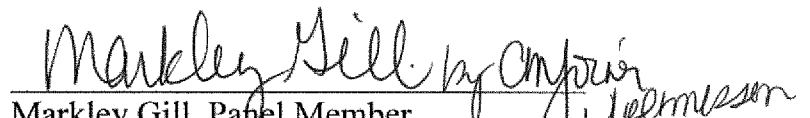
The Panel specifically considered ABA Standards §9.22, and found the following aggravating factors were proven by the Board: prior disciplinary offenses on the part of Respondent; a pattern of misconduct; multiple offenses; the vulnerability of the victims; and the substantial experience in the practice of law of the Respondent. The Panel found that there was no proof presented of any mitigating factors.

JUDGMENT

Accordingly, it is the decision of the Panel that Respondent should be disbarred from the practice of law.

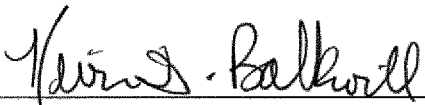
  
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Carol Mathis Joiner, Panel Chair

  
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Larry Roeconi, Jr., Panel Member

  
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Markley Gill, Panel Member

Respectfully Submitted:

Nancy S. Jones, #16369  
Chief Disciplinary Counsel

By:  \_\_\_\_\_

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