

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

FILED
may 2
2011 APR 22 PM 4:28
BOARD OF PROFESSIONAL
RESPONSIBILITY
RW
EXEC. SEC'Y

**In Re: ROBERT L. McREYNOLDS, III
BRP #24151, An attorney licensed
and admitted to the practice of law in
Tennessee (Knox County)**

Docket No. 2010-1964-2-CM

“RESPONDENT”

JUDGMENT OF THE HEARING PANEL

This matter was heard pursuant to Rule 9 of the Rules of the Tennessee Supreme Court, on April 26, 2011, at 9:45 a.m. Based on the argument of counsel, the filings made, and the file as a whole, the Hearing Panel unanimously makes the following Findings of Fact and Conclusions of Law and submits its Judgment in the case as follows:

INTRODUCTION

1. This is a disciplinary proceeding against the Respondent, Robert L. McReynolds, III, an attorney licensed to practice law in Tennessee.
2. Disciplinary counsel on behalf of the Board of Professional Responsibility filed a Petition for Discipline against the Respondent on August 25, 2010.
3. The Respondent failed to file an Answer.
4. The Board filed a Motion for Default on November 9, 2010.
5. On December 6, 2010, the Hearing Panel filed an Order granting the Board’s Motion for Default and deeming admitted the charges in the Petition for Discipline.
6. This matter was set for a hearing to determine discipline on April 26, 2011, in Knox

County, Tennessee, before the undersigned Hearing Panel.

7. The Respondent failed to appear at the April 26, 2011, hearing and has never filed any responsive pleadings in this case.

FINDINGS OF FACT

FILE NUMBER 33053-2-JV. COMPLAINANT: JOHN PACE

7. On April 9, 2010, John and Debbie Pace filed a complaint against the Respondent with the Board, designated as File No. 33053-2-JV. On April 9, 2010, the Respondent was notified of the complaint and asked to respond.
8. After receiving no reply from Respondent, the Board sent the Respondent a Notice of Petition for Temporary Suspension asking for his response to the complaint.
9. The Supreme Court temporarily suspended the Respondent on February 12, 2010 for his failure to respond to the complaint.
10. On or about November 10, 2009, Mr. and Mrs. Pace retained the Respondent to represent them in a lawsuit against West Knox Utility District. Mr. and Mrs. Pace paid the Respondent Three Thousand Dollars (\$3,000.00) in fees.
11. The Respondent met with Mr. and Mrs. Pace and spoke with them a few times by phone.
12. In February 2010, after several weeks of unreturned phone calls, Mr. and Mrs. Pace discovered Respondent's office phone was disconnected.
13. On or about April 5, 2010, the attorney for West Knox Utility District advised Mr. and Mrs. Pace that Respondent was unreachable by phone or by mail.

14. Mr. and Mrs. Pace have not heard from Respondent and have not received a refund of any portion of the Three Thousand Dollar (\$3,000.00) legal fee.

FILE NO. 33046-2-JV, COMPLAINANT: PATRICIA BIPPERT

15. On April 9, 2010, Patricia Bippert filed a complaint against the Respondent with the Board, designated as File No. 33046-2-JV. The Board notified the Respondent of the complaint on April 9, 2010, and asked for a response.
16. After receiving no reply from Respondent, the Board sent a Notice of Petition for Temporary Suspension to Respondent asking for his response to Ms. Bippert's complaint. The Respondent failed to make any response to Ms. Bippert's complaint.
17. On or about January 6, 2010, Ms. Bippert hired the Respondent to change her middle name from "Jean" to "Faye Angie."
18. The Respondent charged Ms. Bippert a Two Hundred Fifty Dollar (\$250.00) fee, which Ms. Bippert paid to the Respondent.
19. Throughout February and March 2010, Ms. Bippert repeatedly called Respondent and sent text messages to Respondent on his cell phone.
20. As of April 6, 2010, Respondent had not answered or returned any of Ms. Bippert's calls, and had not arranged for a court date to accomplish her name change.
21. Respondent has not refunded any portion of Ms. Bippert's legal fee.
22. Respondent has not performed any legal services for Ms. Bippert.

FILE NO. 32593C-2-JV. COMPLAINANT: THOMAS SCHAUER

23. On September 3, 2009, Tom Schauer submitted a Request for Assistance to the Board's Consumer Assistance Program ("CAP") regarding the Respondent. CAP forwarded Mr.

Schauer's Request for Assistance to the Respondent with instructions to reply to CAP within ten (10) days. The Respondent failed to respond to three (3) requests for a response.

24. After Respondent's failure to respond to the Board's CAP program, the Board opened an investigative file, designed as File No. 32593C-2-JV, and forwarded the complaint to Respondent on November 3, 2009, requesting the Respondent's response. The Respondent failed to respond to the Board's November 3, 2009 letter. On November 17, 2009, the Board sent the Respondent another Notice of the complaint requesting the Respondent's response. The Respondent failed to respond to this November 7, 2009 letter from the Board. The Board's correspondence sent to Respondent's office address of record was returned to the Board as undeliverable, with the following notation on the envelope; "Moved Left No Forward."
25. Mr. Schauer retained the Respondent on April 24, 2009, regarding a premise liability claim against Kroger Corporation.
26. In addition to a 33% contingency fee, the Respondent requested and Mr. Schauer paid Respondent a fee of Seven Hundred Fifty Dollars (\$750.00).
27. Not long after Mr. Schauer hired Respondent, Respondent closed his law office and ceased all communication with Mr. Schauer.
28. Respondent took no action on Mr. Schauer's case.
29. Mr. Schauer never received a refund from the Respondent.

CONCLUSIONS OF LAW

1. Pursuant to Section 1 of Rule 9, an attorney admitted to practice law in the State of Tennessee is 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.
2. Pursuant to Section 3 of Supreme Court Rule 9, a license to practice law in the 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 by members of the Bar as conditions for the privilege of the practice of law.
3. Acts or omissions by an attorney which violate the Rules of Professional Conduct (“Rules”) of the State of Tennessee shall constitute misconduct and be grounds for discipline.
4. The acts and omissions of the Respondent regarding John Pace constitute violations of RPC 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.16(b) (Declining and Terminating Representation), and 8.1(b) (Bar Admission and Disciplinary Matter).
5. The acts and omissions of the Respondent regarding Ms. Bippert constitute violations of RPC 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.16(b) (Declining and Terminating Representation), and 8.1(b) (Bar Admission and Disciplinary Matters).
6. The acts and omissions of the Respondent regarding Mr. Schauer constitute violations of RPC 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.16(b) (Declining and Terminating Representation) and 8.1(b) (Bar Admission and Disciplinary Matters).

7. The Respondent should be disbarred for his pattern of neglect, for his failure to refund fees, and for his failure to timely communicate with clients and the Board. His actions have constituted an impermissible abandonment of his law practice.
8. The Hearing Panel must apply the applicable ABA standards in deciding upon the recommended discipline to be imposed for violation of the Rules.
9. The applicable ABA standard regarding Lack of Diligence, 4.41, provides as follows:

Disbarment is generally appropriate when:

 - (a) A lawyer abandons the practice and causes serious or potentially serious injury to a client; or
 - (b) A lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or
 - (c) A lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.
10. Disciplinary counsel has further provided information regarding other Tennessee attorneys who have been disbarred for abandonment of their practice, accepting fees but taking no action, neglecting client matters, and/or failure to communicate with client and the Board. This Hearing Panel adopts the argument of the Board regarding the similarity of the cases involving Attorney Tony Maples, Attorney Joe Wihitenton, Attorney Mark Lee Pittman, and Attorney James Lynn Price to the situation in the present case.
11. According to ABA Standard 9.1, after misconduct has been established, aggravating circumstances may be considered in determining sanction or discipline to be imposed against the Respondent. The following aggravating circumstances are found by this Hearing Panel to justify an increase in discipline imposed against the Respondent:

- (a) The Respondent's pattern of misconduct.
- (b) The Respondent's multiple offenses.
- (c) The Respondent's refusal to acknowledge the wrongful nature of his conduct.
- (d) The Respondent's failure to make restitution.

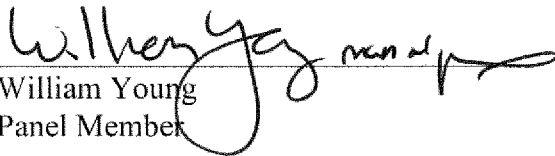
JUDGMENT

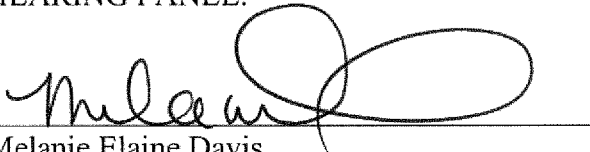
Based on the Findings of Fact and Conclusions of Law and the aggravating factors set forth herein, the Hearing Panel hereby finds that the Respondent, Robert L. McReynolds, III, should be disbarred. Further, as a condition precedent to any subsequent reinstatement to the practice of law, the Hearing Panel further finds that the Respondent should be required to pay restitution in the following amounts:

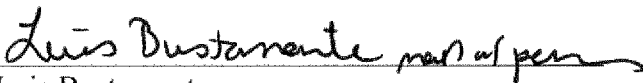
- 1. John Pace: Three Thousand Dollars (\$3,000.00).
- 2. Patricia Bippert: Two Hundred Fifty Dollars (\$250.00).
- 3. Thomas Schauer: Seven Hundred Fifty Dollars (\$750.00).

WE SO FIND on this the 27 day of April, 2011.

HEARING PANEL:


William Young
Panel Member


Melanie Elaine Davis
Panel Chair


Luis Bustamante
Panel Member