IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: PHILLIP GREGORY MEEK, BPR #015852
An Attorney Licensed to Practice Law in Tennessee
(Olive Branch, Mississippi)

BOPR No. 2021-3186-0-AW-25

No. M2021-00756-SC-BAR-BP

ORDER OF RECIPROCAL DISCIPLINE

This matter is before the Court pursuant to Tenn. Sup. Ct. R. 9, § 25, upon a Notice of Submission filed by the Board of Professional Responsibility consisting of a certified copy of the Opinion and Judgment entered by the Complaint Tribunal for the Supreme Court of Mississippi on July 12, 2013, in the matter of *The Mississippi Bar v. Phillip Gregory Meek*, Case No. 2012-B-1894.

On July 7, 2021, this Court entered a Notice of Reciprocal Discipline requiring Mr. Meek to inform this Court within thirty (30) days of receipt of the Notice why reciprocal discipline should not be imposed in Tennessee pursuant to Tenn. Sup. Ct. R. 9, § 25.4. The Notice further provided that in the absence of a response demonstrating the grounds set forth in Tenn. Sup. Ct. R. 9, § 25.4, this Court would impose a discipline with identical terms and conditions based upon the Opinion and Judgment entered by the Complaint Tribunal for the Supreme Court of Mississippi. This Court received no response from Mr. Meek.

After careful and full consideration of the entire record, the Court finds, based upon the particular facts of this case, that none of the elements in Tenn. Sup. Ct. R. 9, § 25.4 exist. As a result, it is appropriate to enter an Order of Reciprocal Discipline.

IT IS THEREFORE CONSIDERED, ORDERED, ADJUDGED, AND DECREED BY THE COURT THAT:

(1) Phillip Gregory Meek is permanently disbarred, pursuant to Tenn. Sup. Ct., R. 9, § 12.1 and Tenn. Sup. Ct. R. 9, § 25.4.

(2) Additionally, Mr. Meek shall comply in all respects with Tenn. Sup. Ct. R. 9, § 28 regarding the obligations and responsibilities of permanently disbarred attorneys.

(3) Pursuant to Tenn. Sup. Ct. R. 9, § 28.1, this Order shall be effective upon entry.

(4) The Board of Professional Responsibility shall cause notice of this permanent disbarment to be published in accordance with Tenn. Sup. Ct. R. 9, § 28.11.

PER CURIAM

SUPREME COURT OF MISSISSIPPI
(BEFORE A COMPLAINT TRIBUNAL)

THE MISSISSIPPI BAR — COMPLAINANT

V.

PHILLIP GREGORY MEEK — RESPONDENT

CAUSE NO. 2012-B-1894

OPINION AND JUDGMENT

THIS MATTER, having come before this duly appointed Complaint Tribunal, and the Tribunal having reviewed the pleadings, evidence, and briefs filed in this matter, finds that the Respondent PHILLIP GREGORY MEEK, should be DISBARRED from the practice of law in the State of Mississippi for the following reasons:

PROCEDURAL HISTORY AND JURISDICTION

The Mississippi Bar filed a Formal Complaint against Mississippi attorney Phillip Gregory Meek of Olive Branch, Mississippi, on November 26, 2012. Mr. Meek was personally served with process in the manner prescribed by the Rules of Discipline for the Mississippi State Bar ("MRD") and the Mississippi Rules of Civil Procedure ("MRCP") on December 15, 2012.

When Mr. Meek failed to answer the Formal Complaint within the time allowed by the MRD, the Bar properly applied for default. The Clerk of the Supreme Court entered default against Mr. Meek on January 18, 2013. The Bar also filed a Motion for Default Judgment on the same day. Mr. Meek has failed to answer or respond to any pleading or motion filed in this cause by the Mississippi Bar. As a result, the Complaint Tribunal entered a Default Judgment in favor of the Bar and against Mr. Roberts on July 8, 2013.

FACTS OF THE CASE

By virtue of Mr. Meek's failure to answer the Formal Complaint and the Complaint Tribunal having granted the Bar's Motion for Default Judgment, the Tribunal finds as follows:

The Bar received information indicating Mr. Meek represented Lawrence Scott Kenneth in Bankruptcy Case 10-12424-DWH in the United States Bankruptcy Court for the Northern District

Exhibit A

of Mississippi at a time that Mr. Meek was suspended from the practice of law in Mississippi for non-payment of mandatory Bar dues. On January 20, 2012, Mr. Meek was suspended for non-payment of mandatory Bar dues. In order to be an active member of the Mississippi Bar, a duly admitted lawyer must pay active dues on the first day of August on an annual basis. Pursuant to state law, a lawyer's failure to pay dues in a timely fashion subjects the lawyer to administrative suspension. In addition to the administrative suspension, Mr. Meek was also suspended from the practice of law for disciplinary reasons on June 4, 2012. Mr. Meek is currently suspended from the practice of law for a period of one year. A lawyer engages in the unauthorized practice of law when he practices law during the time his license to practice law is suspended.

The Bar sent Mr. Meek a total of four demands that he file a response to the Bar complaint. The fourth demand confirms an agreement between Mr. Meek and the Bar's investigator that he would respond by July 18, 2012. In spite of the demands and the agreement, Mr. Meek either failed or refused to comply with the demands to file a response. Additionally, Mr. Meek failed to answer the Formal Complaint in this matter.

CONCLUSIONS OF LAW

Mr. Meek has violated the following provisions of the MRPC, as adopted by the Mississippi Supreme Court:

A. Rule 5.5, which provides that a lawyer may not practice law in a jurisdiction in which he is not permitted to do so;

B. Rule 8.1 (b), MRPC, which provides that a lawyer shall 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 by a disciplinary authority;

C. Rule 8.4(a) and (d), MRPC, which provides that it is professional misconduct for a lawyer to violate or attempt violate the rules of professional conduct or engage in conduct that is prejudicial to the administration of justice.

In separate and unrelated matters Mr. Meek has been the subject of prior discipline. This prior discipline in an aggravating factor in determining the appropriate discipline for Mr. Meek's misconduct in the instant case. *McIntyre v. Miss. Bar*, 38 So. 3d 617, 627 (Miss. 2010); *Haimes v. Miss. Bar*, 601 So. 2d 851, 853 (Miss. 1992). On June 25, 2008, a Complaint Tribunal issued a Public Reprimand in Cause No. 2007-B-1227 for violations of Rules 1.2(a), 1.3, 1.4(a), 1.16(d), 8.1(b) and 8.4(a) and (d), MRPC. On October 30, 2009, the Committee on Professional Responsibility issued Mr. Meek an Informal Admonition in Docket No. 08-393-2 for his violations of Rules 1.2, 1.3, 1.4, and 1.16(d), MRPC. October 8, 2010, a Complaint Tribunal issued Mr. Meek a Private Reprimand in Cause No. 2010-B-194 for his violations of Rules1.2(a), 1.3 and 1.4(a), MRPC. On June 4, 2012, this Complaint Tribunal suspended Mr. Meek in Cause No. 2012-B-110 for violations of Rules 1.2(a), 1.3, 1.4(a), 1.5(a), 1.16(d), 8.1(b), and 8.4(a) and (d).

The Complaint Tribunal considered the nine factors outlined in *Liebling v. Miss. Bar* to determine the appropriate level of discipline to be imposed. The nine factors are:

A) Nature of the misconduct involved;

B) The need to deter similar misconduct;

C) Preservation of dignity and reputation of the legal profession;

D) Protection of the public;

E) Sanctions imposed in similar cases;

F) The duty violated;

G) The lawyer's mental state;

H) Actual or potential injury resulting from the misconduct; and

I) Existence of aggravating or mitigating factors.

Liebling v. The Miss. Bar, 929 So. 2d 911 (Miss. 2006).

Additionally, the Complaint Tribunal considered the American Bar Association Standards for Imposing Lawyer Sanctions ("ABA Standards") to determine the appropriate sanction to be used in this case. These standards include the following:

A) the duty violated;

B) the lawyer's mental state;

C) the actual or potential injury resulting from the misconduct; and

D) the existence of aggravating or mitigating factors.

L.S. v. Miss. Bar, 649 So. 2d 810, 815 (Miss. 1997); *Goodsell v. Miss. Bar*, 667 So. 2d 7 (Miss. 1996).

ABA Standard 7.1 provides that disbarment is appropriate when a lawyer knowingly engages in conduct that is a violation of his duty as professional with the intent to obtain a benefit for himself or another, and causes serious or potentially serious injury to a client, the public or the legal system. In this case, Mr. Meek violated his ethical obligations to the public and the legal profession by practicing law at a time that he was not eligible to do so due to both his administrative and disciplinary suspension. The public should be protected from those not presently licensed to practice law . Mr. Meek also failed in his obligations to the profession by failing to cooperate with the Office of General Counsel investigating the informal complaints.

The Tribunal also considered the aggravating factors found in the ABA Standards:

A) prior disciplinary offenses;

B) dishonest or selfish motive;

C) a pattern of misconduct;

D) multiple offenses;

E) bad faith obstruction of the disciplinary proceedings;

F) submission of false evidence or other deceptive practices;

G) refusal to acknowledge wrongful nature of conduct;

H) vulnerability of victim;

I) Substantial experience in practicing law;

J) indifference to making restitution; and,

K) illegal conduct (including the use of controlled substances).

Of these aggravating factors, six apply to Mr. Meek. Mr. Meek's case demonstrates prior disciplinary history, multiple offenses, a pattern of misconduct, bad faith obstruction of the disciplinary proceedings, vulnerability of the victims, and substantial experience in practicing law.[1]

With regard to prior discipline, in Cause No. 2007-B-1227, a Complaint Tribunal issued a Public Reprimand for violating Rules 1.2(a), 1.3, 1.4(a), 1.16(d), 8.1(b) and 8.4(a) and (d), MRPC. Mr. Meek was also issued an Informal Admonition by the Committee on Professional Responsibility in Docket No. 08-393-2, for violating Rules 1.2, 1.3, 1.4, and 1.16(d), MRPC. In Cause No. 2010-B-194, a Complaint Tribunal issued a Private Reprimand for Mr. Meek's violation of Rules 1.2(a), 1.3, and 1.4(a). In Cause No. 2012-B-110, this Complaint Tribunal suspended Mr. Meek for one year for violating Rules 1.2(a), 1.3, 1.4(a), 1.5(a), 1.16(d), 8.1(b) and 8.4(a) and (d). The instant case is a continuation of the pattern of misconduct engaged in by Mr. Meek over the course of the past several years, involves multiple offenses, and adversely affects vulnerable people. In the instant case, Mr. Meek failed entirely to cooperate with two disciplinary agencies of the Supreme Court, the Office of General Counsel and this Complaint Tribunal.

The Tribunal further considered the mitigating factors found in the ABA Standards and find that none apply.

JUDGMENT

THEREFORE, THE COMPLAINT TRIBUNAL FINDS that Phillip Gregory Meek should be and is hereby DISBARRED from the practice of law in the State of Mississippi. Pursuant to Rule 8.6, MRD, the Clerk of the Mississippi Supreme Court shall immediately forward an attested copy of this Opinion and Judgment to the judges of the Circuit, Chancery, and County Courts of DeSoto County, Mississippi, with instructions to the senior judges of each of these courts to include a copy in the minutes of each respective Court.

The Clerk of the Mississippi Supreme Court shall immediately forward an attested copy of this Opinion and Judgment to the Clerks of the United States Bankruptcy Court for the Northern

[1] Mr. Meek has been practicing law since 1993.

and Southern Districts of Mississippi, to the Clerks of the United States District Court for the Northern and Southern Districts of Mississippi, to the Clerk of the United States Court of Appeals for the Fifth Circuit, and to the Clerk of the Supreme Court of the United States.

The Complaint Tribunal hereby enjoins Mr. Meek from practicing law in the State of Mississippi; from holding himself out as an attorney at law; from performing any legal services for others; from directly or indirectly accepting any fee for legal services; from appearing in any representative capacity in any legal proceeding or Court of the State of Mississippi; from holding himself out to others or using his name, in any manner, with the phrases "attorney at law," "attorney," "counselor at law," "counsel," or "lawyer."

Mr. Meek shall immediately notify each of his clients in writing of his disbarment, inform each client of his consequent inability to act as an attorney, and advise each client to promptly substitute another attorney or seek legal advice elsewhere. At the request of any client, Mr. Meek shall promptly return all files, papers, money, or other property in his possession belonging to his clients.

The Complaint Tribunal further orders Mr. Meek to file an affidavit with the Supreme Court of Mississippi stating that he has notified in writing all clients of his disbarment and his consequent inability to act as an attorney. The affidavit shall further state that he returned all files, papers, money, or other property in his possession belonging to clients requesting the same consistent with this Opinion and Judgment. In the event he was unable to notify such clients or return their files, papers, money, or other property, he shall state that due diligence was used to do so. Mr. Meek shall submit such affidavit within thirty (30) days of the date of this *Opinion and Judgment* and send a copy of the affidavit to The Mississippi Bar. The submission of this affidavit is a condition precedent to Mr. Meek being reinstated to the practice of law.

Mr. Meek shall immediately notify all courts, agencies, and adverse parties (or their respective attorneys) in any proceeding in which he is involved of his disbarment and of his consequent inability to act as an attorney. Mr. Meek shall submit an affidavit to that effect with the Clerk of the Supreme Court of Mississippi within thirty (30) days of the date of this *Opinion and*

Judgment and send a copy of such affidavit to The Mississippi Bar. The submission of this affidavit is a condition precedent to Mr. Meek being reinstated to the practice of law.

The Complaint Tribunal orders Mr. Meek to reimburse the Bar the costs and expenses incurred in the investigation of the informal complaints the amounts of $30.00. Payment of the Bar's costs and expenses is a condition precedent to Mr. Meek's reinstatement to the practice of law. Mr. Meek shall also be liable to the Bar for the costs and expenses associated with the filing and prosecution of the Formal Complaint herein. Such costs and expenses shall be determined by the Presiding Judge of the Complaint Tribunal upon the submission of a proper motion by the Bar.

When this *Opinion and Judgment* is filed with the Clerk it shall become a matter of public record, and the contents of Cause No. 2012-B-1894 shall likewise in all respects be a public record.

This *Opinion and Judgment* shall remain in full force and effect until further Order of the Supreme Court of Mississippi.

The violation of any term of this *Opinion and Judgment* may be considered as contempt of this Tribunal.

SO ORDERED, ADJUDGED AND DECREED, this the 8th day of July 2013. Each member of the Tribunal has demonstrated his or her approval of this Opinion and Judgment by affixing his or her signature to duplicate original final pages of this Opinion and Judgment.

Wil L Kidd

WINSTON L. KIDD
Presiding Judge

Judgment and send a copy of such affidavit to The Mississippi Bar. The submission of this affidavit is a condition precedent to Mr. Meek being reinstated to the practice of law.

The Complaint Tribunal orders Mr. Meek to reimburse the Bar the costs and expenses incurred in the investigation of the informal complaints the amounts of $30.00. Payment of the Bar's costs and expenses is a condition precedent to Mr. Meek's reinstatement to the practice of law. Mr. Meek shall also be liable to the Bar for the costs and expenses associated with the filing and prosecution of the Formal Complaint herein. Such costs and expenses shall be determined by the Presiding Judge of the Complaint Tribunal upon the submission of a proper motion by the Bar.

When this *Opinion and Judgment* is filed with the Clerk it shall become a matter of public record, and the contents of Cause No. 2012-B-1894 shall likewise in all respects be a public record.

This *Opinion and Judgment* shall remain in full force and effect until further Order of the Supreme Court of Mississippi.

The violation of any term of this *Opinion and Judgment* may be considered as contempt of this Tribunal.

SO ORDERED, ADJUDGED AND DECREED, this the 8th day of July 2013. Each member of the Tribunal has demonstrated his or her approval of this Opinion and Judgment by affixing his or her signature to duplicate original final pages of this Opinion and Judgment.

GARY K. JONES
Tribunal Member

Judgment and send a copy of such affidavit to The Mississippi Bar. The submission of this affidavit is a condition precedent to Mr. Meek being reinstated to the practice of law.

The Complaint Tribunal orders Mr. Meek to reimburse the Bar the costs and expenses incurred in the investigation of the informal complaints the amounts of $30.00. Payment of the Bar's costs and expenses is a condition precedent to Mr. Meek's reinstatement to the practice of law. Mr. Meek shall also be liable to the Bar for the costs and expenses associated with the filing and prosecution of the Formal Complaint herein. Such costs and expenses shall be determined by the Presiding Judge of the Complaint Tribunal upon the submission of a proper motion by the Bar.

When this *Opinion and Judgment* is filed with the Clerk it shall become a matter of public record, and the contents of Cause No. 2012-B-1894 shall likewise in all respects be a public record.

This *Opinion and Judgment* shall remain in full force and effect until further Order of the Supreme Court of Mississippi.

The violation of any term of this *Opinion and Judgment* may be considered as contempt of this Tribunal.

SO ORDERED, ADJUDGED AND DECREED, this the 8th day of July 2013. Each member of the Tribunal has demonstrated his or her approval of this Opinion and Judgment by affixing his or her signature to duplicate original final pages of this Opinion and Judgment.

GALE NELSON WALKER
Tribunal Member

ATTEST
A True Copy
This the 17 day of
May 20 21
Office of the Clerk
Supreme Court and Court of Appeals
State of Mississippi
By T Vaughan