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

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2015 APR 16 PM 2:29

IN RE: TRAVIS NATHANIEL MEEKS,
Respondent, BPR #25032,
an Attorney licensed to practice
law in Tennessee
(Montgomery County)

DOCKET NO. 2014-2340-6-WM

DATE: APRIL 8, 2015

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came to be heard on the 8th day of April, 2015, for a final hearing on the Board's Petition for Discipline before the undersigned, P. Edward Schell, panel chair; Vanessa P. Bryan, panel member; and Joseph W. Henry, Jr., panel member. William C. Moody, disciplinary counsel, appeared for the Board and Mark R. Olson appeared on behalf of the Respondent.

Statement of the Case

This is a disciplinary proceeding against the Respondent, Travis Nathaniel Meeks, an attorney licensed to practice law in Tennessee in 2006.

1. A Petition for Discipline, Docket No. 2014-2340-6-WM, was filed on July 14, 2014 and served upon Mr. Meeks by Certified U.S. Mail.
2. On October 20, 2014, Mr. Meeks filed an Answer to Petition for Discipline admitting some of factual allegations of the Petition and denying other factual allegations.
3. The hearing panel was appointed on October 30, 2014, and a case management conference was held on December 5, 2014. Pursuant to a Scheduling Order, filed on December 10, 2014, the final hearing was set for April 8, 2015.
4. The Board filed its Pretrial Brief, Witness and Exhibit List on March 25, 2015.
5. Mr. Meeks filed his Witness and Exhibit List on March 27, 2015.

Statement of the Facts

6. The Petition for Discipline contains the complaints of Anthony L. Sanders, Esq.

7. Mr. Meeks received his license to practice law in Tennessee in 2006 and has been actively practicing law since he was licensed.

8. Mr. Meeks has represented Mark Berg, the Defendant/Counter-Plaintiff in a lawsuit filed by Central Sales and Services, Inc., Edward J. Kehrer and Ralph A. Deaver, which is pending in the Chancery Court for Humphreys County, Tennessee. The Plaintiffs/Counter-Defendants, Central Sales and Services, Inc. have been represented by the Complainant, Anthony L. Sanders.

9. The trial of this case was set on February 25, 2013.

10. On February 13, 2013, Mr. Meeks submitted a letter to Mr. Sanders, advising the latter that he intended to call Jim Smith, a Certified Public Accountant, to testify at the trial. Mr. Meeks stated in the letter that Mr. Smith "is anticipated to testify to the following...[Mr. Smith] suspects that the Plaintiff's expert Certified Public Accountant, Mr. Eric Jones, was engaged in criminal practices" while providing professional services for the Plaintiffs/Counter-Defendants. The alleged "criminal practices" centered around the way in which the company's accountant, Mr. Eric Jones, handled the preparation of company and personal tax returns. Any irregularities in Mr. Jones' conduct would have occurred, at the latest in, 2001.

11. As a result of this letter, Mr. Jones hired an attorney and the trial of the case was postponed.

12. On February 16, 2013, the deposition of Mark Berg was taken at the office of Anthony Sanders. Also present at the deposition were Alan Johnson, an attorney who formerly represented the Plaintiffs/Counter-Defendants and Mr. Meeks. During a break in the deposition,

Mr. Meeks' letter of February 13, 2013 was discussed by counsel. Mr. Meeks stated at that time that he did not know what Jim Smith would testify to at the trial. Mr. Meeks further stated that he did not know if he would call Mr. Smith as a witness or not. When Mr. Sanders stated that Mr. Meeks' letter appeared to be an attempt to intimidate the witness Eric Jones, Mr. Meeks replied that the letter had the tenor of one which might have been sent by Tommy Meeks and that the letter was "old school". Mr. Meeks then stated that he would not call Jim Smith as a witness.

13. On June 26, 2013, the depositions of Eric Jones and Jim Smith took place. Prior to the commencement of the depositions, Mr. Meeks admitted to Mr. Sanders that Jim Smith had not furnished him the opinions and information contained in Mr. Meeks' letter of February 13, 2013. At his deposition on June 26, 2013, Mr. Smith confirmed that he did not furnish to Mr. Meeks the information which was contained in Mr. Meeks' letter of February 13, 2013. Mr. Smith testified that prior to February 13, 2013, the date on which Mr. Meeks sent the letter in question to Mr. Sanders, that he, Mr. Smith, believed that the actions of Mr. Jones were not consistent with reasonable accounting practices. Mr. Smith further told Mr. Meeks that he would not testify against Mr. Jones in such a way to expose him to potential civil or criminal liability. Mr. Smith did not tell Mr. Meeks that Mr. Jones' conduct was criminal in nature.

14. Mr. Meeks' position in this matter is that he has done nothing wrong and is not guilty of any violation of the Rules of Professional Conduct. Mr. Meeks claims that he had a solid legal basis for believing that the conduct of Mr. Jones was criminal. However, Mr. Smith never indicated that he shared this belief. Mr. Meeks hoped that over time he would be able to persuade Mr. Smith to testify that Mr. Jones had acted in a criminal manner.

Conclusions of Law

15. Travis Meeks is an attorney admitted in 2006 by the Supreme Court of Tennessee to practice law in the State of Tennessee. He has been actively engaged in the practice of law in Clarksville, Montgomery County, Tennessee, which is in Disciplinary District VI.

16. Attorneys admitted to practice law in Tennessee are subject to the disciplinary jurisdiction of the Supreme Court, the Board of Professional Responsibility and this hearing panel, appointed pursuant to Tennessee Supreme Court Rule 9, Section 1.

17. Pursuant to Tennessee Supreme Court Rule 9, Section 1, 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 upon the standards imposed upon the members of the Bar as conditions for the privilege to practice law. Acts or omissions by an attorney which violate the Rules of Professional Conduct of the State of Tennessee shall constitute misconduct and be grounds for discipline. The panel finds by a preponderance of the evidence that Mr. Meeks violated Tennessee Rules of Professional Conduct 4.1(a), Truthfulness in Statements to Others, and Tennessee Rules of Professional Conduct 4.4(a)(1), Respect for the Rights of Third Persons.

18. Tennessee Rules of Professional Conduct 4.1(a), Truthfulness in Statements to Others provides in pertinent part as follows:

“(a) in the course of representing a client, a lawyer shall not knowingly make a false statement of material fact or law to a third person.”

19. Mr. Meeks' letter to Mr. Sanders of February 13, 2013, contains false statements to the effect that Mr. Meeks stated that he anticipated that Mr. Smith would testify that he suspected Mr. Jones was engaged in criminal activity. Mr. Smith never told Mr. Meeks that he suspected Mr. Jones was guilty of any criminal activity. By his own admission, Mr. Meeks did not intend to call Mr. Smith as a witness. These false statements constitute a violation of Tennessee Rules of Professional Conduct 4.1(a), Prohibiting False Statements of Material Fact to Third Persons.

20. The false statements made by Mr. Meeks were made at a time when he believed that he could prove that Mr. Jones' conduct was criminal and that he hoped to persuade Mr. Smith to change his mind and agree to testify to that effect in the future. At the time the letter of February 13, 2013 was sent, however, Mr. Meeks did not have any reasonable basis to conclude that Mr. Smith was likely to change his mind, and in fact, Mr. Meeks knew that Mr. Smith had no intention of doing so. Furthermore, Mr. Meeks either knew or should have known that any alleged criminal wrongdoing on the part of Mr. Jones was barred by the statute of limitations in that the alleged criminal activity took place approximately 12 years before Mr. Smith was asked to opine upon the nature of that conduct.

21. Mr. Meeks' conduct also constitutes a violation of Tennessee Rules of Professional Conduct 8.4(a), (c) and (d). Rules 8.4 (a), (c) and (d), Misconduct, provides in pertinent part as follows:

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

Mr. Meeks' false statements were deceitful in violation of Tennessee Rules of Professional Responsibility 8.4(c). The statements resulted in a continuance of the trial and were prejudicial to the administration of justice, in violation of Tennessee Rules of Professional Responsibility 8.4(d).

22. Pursuant to Tennessee Supreme Court Rule 9, Section 8.4, the appropriate discipline must be based on the application of the *ABA Standards for Imposing Lawyer Sanctions* ("ABA Standards"). The panel finds the following ABA Standards applicable in this matter:

2.1 Scope. A disciplinary sanction is imposed on a lawyer upon a finding of acknowledgement that the lawyer has engaged in professional misconduct.

2.5 Reprimand. Reprimand, otherwise known as censure, or public censure, is a form of public discipline which declares conduct of a lawyer improper, but does not limit the lawyer's right to practice.

C. Factors to be Considered in Imposing Sanctions 3.0 Generally. In imposing a sanction after a finding of lawyer misconduct, a court should consider the following factors:

(a) The duty violated; (b) the lawyer's mental state; (c) the potential or actual injury caused by the lawyer's misconduct; and (d) the existence of aggravating or mitigating factors.

Tennessee Rules of Professional Responsibility 5.13 provides as follows:

"Reprimand is general appropriate when a lawyer knowingly engages in any other conduct that involves dishonesty, fraud, deceit or misrepresentation and that adversely reflects on the lawyer's fitness to practice law."

In this case, Mr. Meeks misrepresented what Mr. Smith's opinions were, as well as the fact that Mr. Smith did not intend to testify that Mr. Jones had engaged in criminal activity. Mr. Meeks also misrepresented that he intended to call Mr. Smith as a witness when in fact, he did not. Mr. Meeks engaged in conduct involving deceit which adversely reflects on his fitness to practice law.

23. Pursuant to ABA Standard 9.22, the panel finds the following aggravating factors applicable in this matter:

(b) failure to acknowledge the wrongful nature of his conduct; and

(e) substantial experience in the practice of law.

Mr. Meeks has maintained his innocence throughout this process and refuses to acknowledge the nature of his conduct. Mr. Meeks has substantial experience in the practice of law in that he has been licensed since 2006.

Sanction

24. Mr. Meeks engaged in deceitful behavior involving dishonesty or misrepresentation concerning the scope of his expert witness' testimony. As a result of his conduct, the administration of justice was hampered by a delay of the trial and Mr. Jones was put to the unnecessary expense of hiring an attorney to represent him. The hearing panel finds the appropriate sanction to be public censure.

Judgment

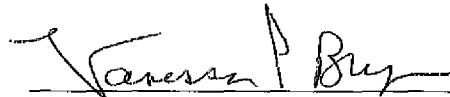
25. Based on these findings of fact and conclusion of law and the presence of aggravating circumstances, Mr. Meeks shall receive a public censure.

IT IS SO ORDERED.

ENTER this 9th day of April, 2015.



P. EDWARD SCHELL, Panel Chair



VANESSA P. BRYAN, Panel Member



JOSEPH W. HENRY, Panel Member

Notice to Respondent

This Judgment may be appealed pursuant to Tennessee Supreme Court Rule 9, Section 1.3, by filing a Petition for Writ of Certiorari which shall be made under oath or affirmation in which shall state that it is the first application for the Writ.