

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

FILED
02/24/2025
Clerk of the
Appellate Courts

IN RE: AARON ANTHONY NEGLIA, BPR NO. 033816
An Attorney Licensed to Practice Law in Tennessee
(Shelby County)

No. M2022-00751-SC-BAR-BP
BOPR No. 2022-3248-9-AW-22.3

ORDER OF ENFORCEMENT

On March 11, 2022, Aaron Anthony Neglia pleaded guilty in the United States District Court for the Western District of Tennessee to the Class E felony of one count of conspiracy to violate the Travel Act¹ by using a cellular phone to carry out bribery of a public servant, Ms. Glenda Adams, Assistant District Attorney General for the 30th Judicial District. Mr. Neglia was sentenced to one year and one month in prison, followed by one year of supervised probation. On March 30, 2022, Mr. Neglia pleaded guilty in the Criminal Court for Shelby County to one count of bribery of a public servant, a Class B felony. Tenn. Code Ann. § 39-16-102.² He was sentenced to eight years' probation.

On June 9, 2022, this Court entered an Order of Enforcement, pursuant to Rule 9, section 22.3,³ suspending Mr. Neglia and referring the matter to the Tennessee Board of

¹ As relevant here, the Travel Act prohibits using “any facility in interstate or foreign commerce, with intent to . . . promote, manage, establish, carry on, or facilitate the promotion, management, establishment, or carrying on, of any unlawful activity.” 18 U.S.C. § 1952(a)(3).

² “It is unlawful to [o]ffer, confer[], or agree[] to confer any pecuniary benefit upon a public servant with the intent to influence the public servant’s vote, opinion, judgment, exercise of discretion or other action in the public servant’s official capacity.” Tenn. Code Ann. § 39-16-102(a)(1).

³ Rule 9, section 22.3(a) and (c) provide in relevant part:

- (a) Upon the filing with the Court of the Notice of Submission with attached adequate proof and copies demonstrating that an attorney who is a defendant in a criminal case involving a serious crime, as defined in Section 2, has entered a . . . plea of guilty . . . the Court shall enter an order immediately suspending the attorney. Such suspension shall take place regardless of the pendency of a motion for new trial or other action in the trial court and

Professional Responsibility (“Board”) to institute a formal proceeding to determine final discipline. A hearing was convened on April 17, 2024. The Board did not call witnesses but relied on a stipulation of facts introduced as an exhibit. Mr. Neglia, represented by counsel, testified on his own behalf and called five other witnesses to testify.

The hearing panel issued its judgment on July 19, 2024, recommending a ten-year suspension for Mr. Neglia, the maximum suspension authorized in Tennessee short of permanent disbarment. Tenn. Sup. Ct. R. 9, § 12.2(a)(2) (“No suspension shall be ordered for a specific period less than thirty days or in excess of ten years.”). It also ruled that, should Mr. Neglia ever be reinstated, he must have a practice monitor for one year. Neither Mr. Neglia nor the Board appealed the hearing panel’s decision.

On October 23, 2024, the Board submitted the matter to this Court for review pursuant to Rule 9, sections 15.4(b) and (c), which provide:

(b) If the judgment of the hearing panel is that the respondent attorney shall be disbarred or suspended for any period of time or shall receive a public censure, and no appeal is perfected within the time allowed, . . . the Board shall file in the Nashville office of the Clerk of the Supreme Court a Notice of Submission with attached copies of the Petition, the judgment or settlement, the proposed Order of Enforcement, and a Protocol Memorandum as defined in Section 2. A copy of the proposed Order of Enforcement and the Protocol Memorandum shall be served upon the respondent attorney and the respondent attorney’s counsel of record pursuant to Section 18.2. In all cases except those in which the sanction imposed is by agreement, the respondent attorney shall have ten days from service of the foregoing within which to file with the Court and serve upon Disciplinary Counsel pursuant to Section 18.2 a response to the Protocol Memorandum. Such response shall be limited to contesting any alleged factual errors in the

regardless of the pendency of an appeal. Such suspension shall remain in effect pending final disposition of a disciplinary proceeding to be commenced upon such finding of guilt.

. . . .

(c) Upon receipt of adequate proof and copies of a . . . guilty plea with respect to a serious crime, as defined in Section 2, the Court shall, in addition to suspending the attorney in accordance with the provisions of Section 22.3(a), also refer the matter to the Board for the institution of a formal proceeding before the hearing panel in which the sole issue to be determined shall be the extent of the final discipline to be imposed, provided that a disciplinary proceeding so instituted will not be brought to hearing until all appeals from the conviction are concluded.

Protocol Memorandum. The Court shall review the recommended punishment provided in such judgment or settlement with a view to attaining uniformity of punishment throughout the State and appropriateness of punishment under the circumstances of each particular case. The Court may direct that the transcript or record of any proceeding be prepared and filed with the Court for its consideration.

(c) If the Court finds that the punishment imposed under subsection (b) appears to be inadequate or excessive, it shall issue an order advising the Board and the respondent attorney that it proposes to increase or to decrease the punishment. If the Court proposes to increase the punishment, the respondent attorney shall have twenty days from the date of the order to file a brief and request oral argument Reply briefs shall be due within twenty days of the filing of the preceding brief. If a party requests oral argument, the Court may grant it. Upon termination of such proceedings as are requested, the Court may modify the judgment of the hearing panel or the settlement in such manner as it deems appropriate. There shall be no petition for rehearing.

On November 18, 2024, this Court entered an order under Rule 9, section 15.4(c) proposing to increase Mr. Neglia’s sanction to disbarment and establishing a schedule for filing the record and briefs. The record and briefs have been filed, and this Court has reviewed the hearing panel’s recommended punishment de novo. *See In re Hickman*, 673 S.W.3d 188, 197 (Tenn. 2023) (citing *In re Walwyn*, 531 S.W.3d 131, 137 (Tenn. 2017)). In conducting this review, we have considered “all of the circumstances of th[is] particular case and also, for the sake of uniformity, sanctions imposed in other cases presenting similar circumstances.” *In re Cope*, 549 S.W.3d 71, 74 (Tenn. 2018) (quoting *Bd. of Pro. Resp. v. Allison*, 284 S.W.3d 316, 327 (Tenn. 2009)). Having conducted this review, we decline to increase Mr. Neglia’s sanction to disbarment and conclude the ten-year suspension is appropriate in the particular circumstances of this case and in light of the sanctions imposed in similar cases.

Mr. Neglia had no prior disciplinary record. He had been licensed approximately two years when the misconduct began, and the hearing panel ascribed significant mitigating weight to Mr. Neglia’s inexperience. Five character witnesses who knew Mr. Neglia well and were familiar with the misconduct, guilty pleas and incarceration, and his post-incarceration behavior testified on his behalf. They described his good character, his exemplary military service, his record as a lawyer who cared about clients, and his remorse for the misconduct. They held supervisory employment positions, and three witnesses worked regularly with lawyers, while two others worked regularly with the public. Their personal familiarity with Mr. Neglia and employment experience lent persuasive weight to their assessments of Mr. Neglia’s character and remorse. The hearing panel accredited the

testimony of Mr. Neglia's character witnesses.

The hearing panel also carefully followed the appropriate analytical framework when choosing the sanction. It first carefully considered the relevant American Bar Association Standards for Imposing Lawyer Sanctions ("ABA Standards") and identified the presumptive sanction as disbarment. It next identified the aggravating and mitigating factors. It then determined that the mitigating factors, in particular "Mr. Neglia's substantial inexperience in the practice of law and the sacrifices he made during his military service in combat zones move[d] the needle in this case from disbarment to suspension." The hearing panel's analysis comports fully with this Court's prior decisions. *See, e.g., Meehan v. Bd. of Pro. Resp.*, 584 S.W.3d 403, 413 (Tenn. 2019) ("After a hearing panel finds one or more grounds for discipline, it must consider the applicable ABA Standards to determine the appropriate sanction for the attorney's misconduct. This two-step process involves identifying the appropriate presumptive sanction under the ABA Standards and considering whether the presumptive sanction should be increased or decreased based on any aggravating and mitigating factors." (citations omitted)).

While Mr. Neglia received a less severe sanction than the permanent disbarment Ms. Adams received, factual circumstances support different sanctions in these cases. Ms. Adams presented no mitigating proof and chose not to participate at all in the disciplinary proceeding, either by filing an answer or appearing at the hearing. Different and additional aggravating factors applied to the determination of an appropriate sanction for Ms. Adams, including her substantial experience in the practice of law and her conviction of three separate felonies. Finally, Ms. Adams held a position of public trust and knowingly misused that position for personal gain. The presumptive sanction for such misconduct is disbarment, even without consideration of her felony convictions. *See* ABA Standard 5.21 ("Disbarment is generally appropriate when a lawyer in an official or governmental position knowingly misuses the position with the intent to obtain a significant benefit or advantage for himself or another, or with the intent to cause serious or potentially serious injury to a party or to the integrity of the legal process.").

Finally, the other comparative cases the Board relies upon in its brief differ in significant ways from this case. Each of the lawyers had a history of prior discipline. Three of the lawyers were disbarred prior to July 1, 2020, when Rule 9, section 30.4(d) was amended to make disbarment permanent. *See Doll v. Bd. of Pro. Resp.*, 691 S.W.3d 372, 389 n.23 (Tenn. 2024). These lawyers may petition for reinstatement five years after the effective date of their disbarments. Tenn. Sup. Ct. R. 9, § 30.2. Therefore, as a practical matter, Mr. Neglia's ten-year suspension is twice as severe as these lawyers' sanctions. Finally, proof of actual injury to clients and others was presented in these cases, but no proof of actual injury to clients was presented in this case.

Therefore, upon careful consideration of the record and the briefs, the particular circumstances of this case, and the sanctions imposed in similar cases, this Court declines to increase Mr. Neglia's sanction to permanent disbarment and approves and adopts the hearing panel's findings of fact and conclusions of law as the judgment of this Court.

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

(1) Mr. Neglia is suspended from the practice of law for ten (10) years pursuant to Tenn. Sup. Ct. R. 9, § 22.3. Pursuant to Tenn. Sup. Ct. R. 9, § 22.5, Mr. Neglia is credited one hundred twenty-four (124) days against his ten (10) year suspension (suspension date of June 9, 2022, through the first date of incarceration of October 11, 2022). Thus, Mr. Neglia's total active suspension is nine (9) years and two hundred forty-one (241) days, with the requirement of a practice monitor for one (1) year upon successful reinstatement.

(2) Prior to seeking reinstatement, Mr. Neglia must have met all CLE requirements; have remitted all outstanding registration fees and outstanding professional privilege taxes, including those due from the date of this suspension until the date of reinstatement; and have remitted all court costs and Board costs in this matter. In addition, Mr. Neglia shall be in substantial compliance with the terms and conditions of this Order.

(3) Mr. Neglia shall comply in all respects with Tenn. Sup. Ct. R. 9, §§ 28 and 30.4, regarding the obligations and responsibilities of suspended attorneys and the procedure for reinstatement.

(4) Pursuant to Tenn. Sup. Ct. R. 9, § 31.3(d), Mr. Neglia shall pay to the Board of Professional Responsibility the expenses and costs incurred to date by the Board in this matter in the amount of \$5,074.67, which includes \$100.00 for the cost of filing this matter and pay this filing fee to the Board and shall pay to the Clerk of this Court the court costs incurred herein. All costs, fees, and expenses awarded or assessed herein shall be paid within ninety (90) days of the entry of this Order for which execution, if necessary, may issue.

(5) The Board of Professional Responsibility shall cause notice of this discipline to be published as required by Tenn. Sup. Ct. R. 9, § 28.11.

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

PER CURIAM