

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

IN RE: GREGORY SCOTT NORRIS,
BPR No. 034373, Respondent,
an Attorney Licensed to Practice
Law in Tennessee
(Carter County)

DOCKET NO. 2019-2974-1-JM

FINDINGS OF FACT AND CONCLUSIONS OF LAW

STATEMENT OF THE CASE

1. This is a disciplinary proceeding against Gregory Scott Norris, an attorney licensed to practice law in Tennessee in 2015.
2. Mr. Norris was disbarred by the Supreme Court of Tennessee on August 22, 2019.
3. Prior to being disbarred, Mr. Norris was temporarily suspended.
4. A Petition for Discipline was filed against Mr. Norris on February 25, 2019. A Supplemental Petition was filed on March 21, 2019. A Second Supplemental Petition was filed on July 8, 2019. Each of the petitions involve conduct which occurred prior to the order of disbarment on August 22, 2019.
5. Mr. Norris failed to respond to any of the three petitions, and his deadline for doing so has passed.
6. On October 16, 2019, this Hearing Panel entered an Order for Default Judgment.
7. As a result of the Order for Default Judgment, all allegations in the Petition for Discipline, the Supplemental Petition, and the Second Supplemental Petition have been deemed

admitted pursuant to Tenn. Sup. Ct. R. 9 § 15.2(b).

8. The matter was tried before the Hearing Panel on November 6, 2019. The Hearing Panel was composed of Andrew Wampler, Hearing Panel Chair, William Harper II and K. Kidwell King. The Board was represented by Jerry Morgan. Mr. Norris failed to appear for the trial.

FINDINGS OF FACT

9. The evidence presented to the Hearing Panel, along with the admissions by Mr. Norris due to failing to respond to the Petition, the Supplemental Petition and the Second Supplemental Petition, established the following facts:

10. The Respondent, Gregory Scott Norris, is an attorney admitted by the Supreme Court of Tennessee to practice law in the State of Tennessee. Mr. Norris' last known address as registered with the Board of Professional Responsibility is 603 Scioto Road, Unicoi, Tennessee, being in Disciplinary District I. Mr. Norris was licensed to practice law in Tennessee in 2015 and his Board of Professional Responsibility number is 034373.

11. Mr. Norris was temporarily suspended by the Supreme Court on January 26, 2018. (Exhibit 1).

12. Mr. Norris was disbarred by the Supreme Court on August 22, 2019. (Exhibit 2).

13. On February 25, 2019, the Board filed a Petition for Discipline against Mr. Norris. (Exhibit 3).

14. On March 21, 2019, the Board filed its Supplemental Petition for Discipline against Mr. Norris. (Exhibit 4).

15. On July 8, 2019, the Board filed its Second Supplemental Petition for Discipline against Mr. Norris. (Exhibit 5).

16. On September 25, 2019, the Board filed its Motion for Default. (Exhibit 6).

17. On October 16, 2019, the Hearing Panel entered its Order for Default Judgment. (Exhibit 7). As a consequence of Mr. Norris's failure to respond, all of the facts outlined below in the Petition for Discipline, the Supplemental Petition, and the Second Supplemental Petition have been admitted.

File No. 55757c-1-SC – Complainants – Mitchell and Cheryl Fishlowitz

18. On July 9, 2018, the Board forwarded a complaint to Mr. Norris from Mitchell and Cheryl Fishlowitz, requesting his response. Exhibit 8.

19. Mr. Norris did not respond to the complaint.

20. When a neighbor filed a complaint against the Fishlowitz's, they hired Mr. Norris to represent them, including to file a counterclaim.

21. Mr. Norris was paid \$1,250.00 for the representation.

22. Other than filing a motion for continuance, and then an order of removal from general sessions to circuit court, Mr. Norris took no further action to represent them in the matter.

23. Mr. Norris did not notify Mitchell and Cheryl Fishlowitz that he had been suspended or provide them with their file or refund any portion of their fee.

24. Mr. Norris violated RPC 1.1 by failing to provide competent representation to his clients.

25. Mr. Norris violated RPC 1.3 and 1.4 by failing to diligently represent his clients and communicate with them about their case.

26. Mr. Norris violated RPC 1.5 (a) by charging an excessive fee.

27. Mr. Norris violated 1.16 (d) by abandoning his clients and not taking steps to protect their interest.

28. Mr. Norris violated RPC 3.2 by failing to expedite his clients' case.

29. Mr. Norris violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

30. Mr. Norris' conduct violated RPC 8.4 (a) (misconduct), (d) (conduct prejudicial to the administration of justice) and (g) (knowingly violating his obligations set forth in the Order of Temporary Suspension).

File No. 56519-1-SC – Complainant – William Carrier

31. On April 24, 2018, the Board forwarded a complaint from William Carrier to Mr. Norris, requesting his response. Exhibit 9.

32. Mr. Norris did not respond to the complaint.

33. On November 9, 2017, Mr. Norris agreed to represent Mr. Carrier in defense of misdemeanor drug charges.

34. Mr. Carrier paid \$1,250.00 during the representation.

35. Mr. Norris did not appear in court on January 9, 2018 for a plea negotiation or provide notice that he would not be appearing, causing the matter to be continued to February 20, 2018.

36. Mr. Norris again failed to appear on February 20, 2018, at which time the Court notified Mr. Carrier that he had been suspended.

37. Mr. Norris did not notify Mr. Carrier of his temporary suspension, provide him with his file, or refund any of his fees.

38. Mr. Norris violated RPC 1.1 by failing to provide competent representation to his client.

39. Mr. Norris violated RPC 1.3 and 1.4 by failing to diligently represent his client and communicate with him about his case.

40. Mr. Norris violated RPC 1.5 (a) by charging an excessive fee.

41. Mr. Norris violated 1.16 (d) by abandoning his client and not taking steps to protect his interest.

42. Mr. Norris violated RPC 3.2 by failing to expedite his client's case.

43. Mr. Norris violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

44. Mr. Norris' conduct violated RPC 8.4 (a) (misconduct), (d) (conduct prejudicial to the administration of justice) and (g) (knowingly violating his obligations set forth in the Order of Temporary Suspension).

File No. 56638-1-SC -- Complainant -- John C. Seth Holtsclaw

45. On June 16, 2018, the Board forwarded a complaint from Mr. Holtsclaw to Mr. Norris, requesting his response. Exhibit 10.

46. Mr. Norris did not respond to the complaint.

47. On May 2, 2017, Mr. Norris agreed to represent Mr. Holtsclaw in defense of a seven-count indictment for resisting arrest, speeding, and driving on a revoked license.

48. Mr. Holtsclaw paid Mr. Norris a total of \$1,500.00 for the representation.

49. Mr. Norris appeared once in General Sessions and once in criminal court on behalf of Mr. Holtsclaw.

50. Other than those two appearances, Mr. Norris did no further work on behalf of Mr. Holtsclaw.

51. Mr. Norris did not provide Mr. Holtsclaw with notice of his temporary suspension, return his file or refund any of his fees.

52. Mr. Norris violated RPC 1.1 by failing to provide competent representation to his client.

53. Mr. Norris violated RPC 1.3 and 1.4 by failing to diligently represent his client and

communicate with him about his case.

54. Mr. Norris violated RPC 1.5 (a) by charging an excessive fee.

55. Mr. Norris violated 1.16 (d) by abandoning his client and not taking steps to protect his interest.

56. Mr. Norris violated RPC 3.2 by failing to expedite his client's case.

57. Mr. Norris violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

58. Mr. Norris' conduct violated RPC 8.4 (a) (misconduct), (d) (conduct prejudicial to the administration of justice) and (g) (knowingly violating his obligations set forth in the Order of Temporary Suspension).

File No. 58102-1-SC – Complainant – Joleen Lash

59. On August 17, 2018, the Board forwarded a complaint from Ms. Lash to Mr. Norris, requesting his response. Exhibit 11.

60. Mr. Norris did not respond to the complaint.

61. On April 24, 2017, Mr. Norris agreed to represent Ms. Lash in a custody dispute.

62. Ms. Lash paid Mr. Norris \$500.00 for the representation.

63. Mr. Norris did not provide Ms. Lash with notice of his temporary suspension, return her file or refund any of her fees.

64. Mr. Norris violated RPC 1.4 by failing to communicate with her about her case.

65. Mr. Norris violated RPC 1.5 (a) by charging an excessive fee.

66. Mr. Norris violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.

67. Mr. Norris' conduct violated RPC 8.4 (a) (misconduct), (d) (conduct prejudicial to the administration of justice) and (g) (knowingly violating his obligations set forth in the Order of Temporary Suspension).

File No. 57691-1-SC -- Complainant -- Stanley Blair

68. On August 28, 2018, the Board forwarded a complaint from Stanley Blair to Mr. Norris, requesting his response. Exhibit 12.
69. Mr. Norris did not respond to the complaint.
70. Mr. Blair hired Mr. Norris in April of 2017 to represent him in criminal court for where he faced charges of aggravated assault.
71. Mr. Blair paid Mr. Norris a non-refundable fee of \$1,000.00 for the representation.
72. Mr. Norris appeared in court for Mr. Blair but was late and disoriented on each occasion.
73. Mr. Norris last appeared for Mr. Blair in late 2017, after which Mr. Blair was unable to contact him, as Mr. Norris would not return phone calls or other messages.
74. Mr. Norris did not provide notice to Mr. Blair of his temporary suspension, return his file, or refund any portion of Mr. Blair's fee.
75. Mr. Norris violated RPC 1.1 by failing to provide competent representation to his client.
76. Mr. Norris violated RPC 1.3 and 1.4 by failing to diligently represent his client and communicate with him about his case.
77. Mr. Norris violated 1.16 (d) by abandoning his client and not taking steps to protect his interest.
78. Mr. Norris violated RPC 3.2 by failing to expedite his client's case.
79. Mr. Norris violated RPC 8.1 (b) by failing to respond to an inquiry from the Board.
80. Mr. Norris' conduct violated RPC 8.4 (a) (misconduct), (d) (conduct prejudicial to the administration of justice) and (g) (knowingly violating his obligations set forth in the Order of

Temporary Suspension).

File No. 57755c-1-SC – Complainant – Billy Ray Cole

81. By letter dated March 11, 2019, the Board forwarded a complaint filed by Billy Ray Cole to Mr. Norris. Exhibit 13.

82. Mr. Norris never responded to Mr. Cole's complaint.

83. On January 4, 2018, Mr. Cole retained Mr. Norris to represent him in defense of DUI criminal charges.

84. Mr. Cole paid Mr. Norris \$500.00 for the representation.

85. Mr. Norris failed to appear in court or take any action on behalf of Mr. Cole.

86. Mr. Norris failed to respond to Mr. Cole's phone calls or other efforts to learn the status of his case.

87. Mr. Norris failed to provide Mr. Cole with notice of his temporary suspension, provide Mr. Cole with his file, or refund any fees as required by the Order of Temporary Suspension and Tenn. Sup. Ct. R. 9, § 28.

88. Mr. Norris violated RPC 1.1 by failing to provide competent representation to his client.

89. Mr. Norris violated RPC 1.3 and 1.4 by failing to diligently represent his client and communicate with him about his case.

90. Mr. Norris' conduct violated RPC 8.4 (a) (misconduct), (d) (conduct prejudicial to the administration of justice) and (g) (knowingly violating his obligations set forth in the Order of Temporary Suspension).

CONCLUSIONS OF LAW

91. Pursuant to Tenn. Sup. Ct. R. 9, § 8.1, attorneys admitted to practice law in

Tennessee are subject to the disciplinary jurisdiction of the Supreme Court, the Board of Professional Responsibility, the hearing panel, and the Circuit and Chancery Courts.

92. Pursuant to Tenn. Sup. Ct. R. 9, § 1, the license to practice law in this state is a privilege and it is the duty of every recipient of that privilege to act, at all times, both professionally and personally, in conformity with the standards imposed upon members of the bar as conditions for the privilege to practice law. Pursuant to Tenn. Sup. Ct. R. 9, § 11.1, 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.

93. The Respondent has failed to conduct himself in conformity with said standards and is guilty of acts and omissions in violation of the authority cited *infra*.

94. Based on the evidence presented, and based on the admissions of the Respondent due to his failure to respond to the Petition, Supplemental Petition and Second Supplemental Petition, the Hearing Panel finds that the Board has proven by a preponderance of evidence that Respondent has violated RPC 1.1 by failing to provide competence representation to his clients.

95. Based on the evidence presented, and based on the admissions of the Respondent due to his failure to respond to the Petition, Supplemental Petition and Second Supplemental Petition, the Hearing Panel finds that the Board has proven by a preponderance of evidence that Respondent has violated RPC 1.3 by failing to act with reasonable diligence and promptness in representing his clients, in that he failed to take action in his clients' cases and failed to respond to requests for information.

96. Based on the evidence presented, and based on the admissions of the Respondent due to his failure to respond to the Petition, Supplemental Petition and Second Supplemental Petition, the Hearing Panel finds that the Board has proven by a preponderance of evidence that

Respondent has violated RPC 1.4 by failing to communicate with numerous clients, failing to inform them of the status of their cases, and failing to inform them of his temporary suspension.

97. Based on the evidence presented, and based on the admissions of the Respondent due to his failure to respond to the Petition, Supplemental Petition and Second Supplemental Petition, the Hearing Panel finds that the Board has proven by a preponderance of evidence that Respondent has violated RPC 1.5 by collecting unreasonable fees when considering the lack of work he performed for his clients and failing to return fees upon termination of his representation.

98. Based on the evidence presented, and based on the admissions of the Respondent due to his failure to respond to the Petition, Supplemental Petition and Second Supplemental Petition, the Hearing Panel finds that the Board has proven by a preponderance of evidence that Respondent has violated RPC 1.16(d) by failing to notify his clients that he had withdrawn from representing them or to take steps to protect the clients' interests.

99. Based on the evidence presented, and based on the admissions of the Respondent due to his failure to respond to the Petition, Supplemental Petition and Second Supplemental Petition, the Hearing Panel finds that the Board has proven by a preponderance of evidence that Respondent has violated RPC 3.2 by failing to expedite litigation.

100. Based on the evidence presented, and based on the admissions of the Respondent due to his failure to respond to the Petition, Supplemental Petition and Second Supplemental Petition, the Hearing Panel finds that the Board has proven by a preponderance of evidence that Respondent has violated RPC 8.1 by knowingly failing to respond to Board requests for responses to complaints.

101. Based on the evidence presented, and based on the admissions of the Respondent due to his failure to respond to the Petition, Supplemental Petition and Second Supplemental

Petition, the Hearing Panel finds that the Board has proven by a preponderance of evidence that Respondent has violated RPC 8.4(a) by committing the violations outlined above.

102. Based on the evidence presented, and based on the admissions of the Respondent due to his failure to respond to the Petition, Supplemental Petition and Second Supplemental Petition, the Hearing Panel finds that the Board has proven by a preponderance of evidence that Respondent has violated RPC 8.4(d) by engaging in conduct prejudicial to the administration of justice, by failing to appear for numerous court hearings, some of which involved clients facing serious criminal charges, making incoherent legal arguments, and abandoning his clients without notification.

103. Based on the evidence presented, and based on the admissions of the Respondent due to his failure to respond to the Petition, Supplemental Petition and Second Supplemental Petition, the Hearing Panel finds that the Board has proven by a preponderance of evidence that Respondent has violated RPC 8.4(g) by knowingly failing to comply with the Order of Temporary Suspension in that he failed to notify his clients of the suspension pursuant to Tenn. Sup. Ct. R. 9 § 28.2, failed to return client files pursuant to § 28.5, failed to refund unearned fees pursuant to § 28.6, and failed to file an affidavit with the Board pursuant to § 28.9.

ABA STANDARDS

104. When disciplinary violations are established by a preponderance of the evidence, the appropriate discipline must be based upon application of the ABA Standards for Imposing Lawyer Sanctions, (“ABA Standards”) pursuant to Section 15.4, Rule 9 of the Rules of the Supreme Court.

105. The Hearing Panel finds that the following ABA Standards are applicable in this matter:

4.41 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.

6.21 Disbarment is generally appropriate when a lawyer knowingly violates a court order or rule with the intent to obtain a benefit for the lawyer or another, and causes serious injury or potentially serious injury to a party or causes serious or potentially serious interference with a legal proceeding.

7.1 Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed to the profession with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system.

8.1 Disbarment is generally appropriate when a lawyer:

- (a) intentionally or knowingly violates the terms of a prior disciplinary order and such violation causes injury or potential injury to a client, the public, the legal system, or the profession;

AGGRAVATING FACTORS

106. After misconduct has been established, aggravating and mitigating circumstances may be considered in deciding what sanctions to impose.

107. Mr. Norris' pattern of misconduct is an aggravating circumstance justifying an increase in discipline.

108. Mr. Norris' multiple offenses is an aggravating circumstance justifying an increase in discipline.

109. Mr. Norris' obstruction of disciplinary proceedings by failing to respond to Disciplinary Counsel is an aggravating circumstance justifying an increase in discipline.

110. The vulnerability of Mr. Norris' clients is an aggravating circumstance justifying an increase in discipline.

111. Mr. Norris' indifference to making restitution is an aggravating circumstance justifying an increase in discipline.

JUDGMENT

In light of the Findings of Fact and Conclusions of Law, the relevant ABA Standards and the aggravating factors set forth above, the Hearing Panel hereby finds that Mr. Norris should be disbarred pursuant to Tenn. Sup. Ct. R. 9, § 12.1. As a condition of reinstatement to the practice of law, Mr. Norris shall pay restitution as set forth below:

Mitchell and Cheryl Fishlowitz - \$1,250.00

William Carrier - \$1,250.00

John C. Seth Holtsclaw - \$1,500.00

Joleen Lash - \$500.00


Stanley Blair - \$1,000.00

Billy Ray Cole - \$500.00

The costs of this cause will be taxed to Mr. Norris following entry of this judgment pursuant to the procedures established in Tenn. Sup. Ct. R. 9, § 31.3 (a).

IT IS SO ORDERED.


Andrew Todd Wampler, Panel Chair


William Beach Harper, II, Panel Member *permission*


K. Kidwell King, Jr., Panel Member *permission*

NOTICE

This judgment may be appealed pursuant to Tenn. Sup. Ct. R. 9, § 33, by filing a Petition for Review in the Circuit or Chancery Court within sixty (60) days of the date of entry of the hearing panel's judgment.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been sent to Respondent, Gregory Scott Norris, 603 Scioto Road, Unicoi, TN 37692; 116 S. Main Street, Elizabethton, TN 37643; 212 Mayflower Road, Johnson City, TN 37601, by U.S. First Class Mail, and hand-delivered to Gerald D. Morgan, Disciplinary Counsel, on this the 25th day of November, 2019.



Rita Webb
Executive Secretary

NOTICE

This judgment may be appealed by filing a Petition for Review in the appropriate Circuit or Chancery Court in accordance with Tenn. Sup. Ct. R. 9, § 33.