

**IN DISCIPLINARY DISTRICT 0
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**

FILED

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BOARD OF PROFESSIONAL
RESPONSIBILITY

RW EXEC. SEC.

**IN RE: LANCE WILLIAM PARR
BPR No. 024651
Attorney Licensed to
Practice Law in Tennessee
(Jefferson County, Alabama)**

DOCKET NO. 2013-2199-0-AJ

JUDGMENT OF THE HEARING PANEL

This matter came to be heard on July 29, 2013, for final hearing on the Board's Petition for Discipline before Matt Sweeney, Panel Chair; Laura L. Chastain, Panel Member; and, Waverly D. Crenshaw, Jr., Panel Member. Alan D. Johnson, Disciplinary Counsel, appeared for the Board. Mr. Parr did not appear.

FINDINGS OF FACT

1. A Petition for Discipline, Docket No. 2013-2199-0-AJ, was filed on April 5, 2013.
2. The Petition was sent via regular and certified mail to Respondent's address of 55 Hanover Circle South, No. 103 Birmingham, Alabama, 35005, as registered with the Board. The certified mail was returned to the Board with the Post Office notation that it was "unclaimed" on May 11, 2013.
3. Mr. Parr failed to answer the Petition for Discipline, and upon motion of the Board, a default Order was entered by the Hearing Panel on July 8, 2013, deeming the allegations in the Petition for Discipline admitted.

4. The admitted facts set forth in the Petition for Discipline are summarized as follows.

5. On February 7, 2012, Chief Judge Curtis L. Collier, in *In Re Lance Parr BPR No. 064651*, No. 1:12-mc-2, United States District Court, Eastern District of Tennessee, issued a Show Cause Order against Respondent, which initiated formal disciplinary proceedings against him in that Court. That show cause order alleged in part that in the 18 months prior to the Order, Respondent had filed three civil cases (*Aguilar*, *Sampson* and *Moore*) in that Court and his representation was terminated in each, for different reasons. Respondent had severely neglected all three cases and failed to communicate with his clients and other counsel. All three clients were prejudiced by Respondent's neglect, and abandonment of their cases.

6. Mr. Parr did not respond to the Show Cause Order and on March 6, 2012, the District Court entered an Order disbaring Respondent from that Court.

7. The United States District Court for the Eastern District of Tennessee deemed the following allegations admitted as a result of Mr. Parr's failure to respond to the Show Cause Order (Order of Disbarment, Doc. No. 8).

- a. Mr. Parr was facing suspension of his license to practice law on or about June, 2011;
- b. Mr. Parr failed to appear for depositions scheduled for October 5, 2011, in the *Aguilar* case, and did not notify his clients of the depositions;
- c. Mr. Parr failed to prosecute the *Sampson* case;
- d. Mr. Parr did not adequately communicate with his client and client's new counsel in the *Sampson* case;
- e. Mr. Parr failed to prosecute the *Moore* case;

- f. By his conduct, Mr. Parr demonstrated incompetence and lack of necessary skill to practice in the United States District Court for the Eastern District of Tennessee;
- g. Mr. Parr failed to keep his clients reasonably informed about the status of their cases;
- h. Through his unresponsiveness to his client in the *Sampson* case, Mr. Parr *de facto* withdrew without complying with the Rules of Professional Conduct.

8. During the investigation of the initial complaint Mr. Parr failed to respond to the Board. Pursuant to Tenn. Sup. Ct. R. 9, § 4.3, an Order of Temporary Suspension for failure to respond to the Board of Professional Responsibility was entered on September 12, 2012, and remains in effect.

9. On March 23, 2012, for other misconduct, Mr. Parr was suspended for one (1) year from the practice of law and he has not been reinstated.

CONCLUSIONS OF LAW

10. Every attorney licensed to practice in Tennessee is required to register his/her current address with the Board of Professional Responsibility. Rule 9, Tennessee Supreme Court, Section 20.5.

11. Service upon respondent of a petition in any disciplinary proceeding shall be made by one of several authorized means, including by certified mail, at the address shown in the most recent registration statement filed by respondent under Section 20.5. Rule 9, Tennessee Supreme Court, Section 12.1.

12. Mr. Parr failed to appear for depositions scheduled for October 5, 2011, in the *Aguilar* case, and did not notify his clients of the depositions. The depositions had been noticed

by opposing counsel because Mr. Parr would not communicate with opposing counsel. Mr. Parr's conduct violated Rules of Professional Conduct (RPC) 1.1 (competence), 1.3 (diligence), 1.4 (communication), 3.2 (expediting litigation) and 3.4 (fairness to opposing counsel).

13. Mr. Parr failed to prosecute the *Sampson* case and the *Moore* case. Mr. Parr's conduct violated RPC 3.2 (expediting litigation).

14. Mr. Parr did not adequately communicate with his client and client's new counsel in the *Sampson* case. Mr. Parr's conduct violated RPC 1.4 (communication).

15. Mr. Parr failed to keep his clients reasonably informed about the status of their cases. Mr. Parr's conduct violated RPC 1.4 (communication).

16. Mr. Parr *de facto* withdrew from his representation in the *Sampson* case through his unresponsiveness, and when he withdrew from representation in the *Aguilar* case, he did not take reasonable steps to protect his clients' interests. Mr. Parr's conduct violated RPC 1.16 (terminating representation).

17. By his conduct, Mr. Parr demonstrated incompetence and lack of necessary skill to practice. Mr. Parr's conduct violated RPC 1.1 (competence).

18. Mr. Parr's lack of communication with opposing counsel impeded the administration of justice by causing delays in all three cases. Mr. Parr's conduct violated RPC 8.4 (d) (conduct prejudicial to the administration of justice).

19. By his conduct specified above, Mr. Parr also violated RPC 8.4 (a) (misconduct).

ABA Standards

20. Pursuant to Tenn. Sup. Ct. R. 9, § 8.4, appropriate discipline must be based upon application of the ABA Standards for Imposing Lawyer Sanctions ("ABA Standards"). The

Hearing Panel finds that the following ABA Standards are applicable to the facts and circumstances presented.

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.

4.51 Disbarment is generally appropriate when a lawyer's course of conduct demonstrates that the lawyer does not understand the most fundamental legal doctrines or procedures, and the lawyer's conduct causes injury or potential injury to a client.

7.1 Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional 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.

7.2 Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty as a professional and causes injury or potential injury to a client, the public, or the legal system.

8.1 Disbarment is generally appropriate when a lawyer:

- (b) has been suspended for the same or similar misconduct, and intentionally or knowingly engages in further similar acts of misconduct that cause injury or potential injury to a client, the public, the legal system, or the profession.

21. Pursuant to ABA Standard 9.22, the Hearing Panel finds the following aggravating factors are present in this case:

- a. Prior Disciplinary Offense. On March 23, 2012, Mr. Parr was suspended for one (1) year (conflicts, meritorious claims, candor toward the tribunal, misconduct).

On September 12, 2012, Mr. Parr was suspended pursuant to Tenn. S. Ct. R. 9, §

4.3 (failure to respond). Mr. Parr has not been reinstated.

- b. Pattern of Misconduct. The current matter before the Hearing Panel reflects a significant pattern of misconduct. Mr. Parr willfully and knowingly ignored his client's legal matters. Mr. Parr knowingly failed to respond to a lawful demand from Disciplinary Counsel for information related directly to a disciplinary matter. Mr. Parr's prior professional misconduct reflects a lack of diligence in his practice and a lack of proper communication with clients. It also reflects Mr. Parr's unwillingness or inability to comply with Orders of the Court and lawful requests from Disciplinary Counsel for information related to disciplinary complaints.
- c. Multiple Offenses. Mr. Parr engaged in multiple violations of the Rules of Professional Conduct. Mr. Parr failed to represent his clients in a diligent or expeditious manner, and failed to maintain proper communication with them and opposing counsel. He compounded his misconduct by his improper withdrawal as counsel of record for two (2) of his clients. Mr. Parr then ignored a Show Cause Order issued by the United States District Court for the Eastern District of Tennessee, as well as his duty under the Rules of Professional Conduct to respond to Disciplinary Counsel investigating the complaint of misconduct.
- d. Refusal to Acknowledge his Wrongful Conduct. By failing to respond to Disciplinary Counsel, Mr. Parr has refused to acknowledge his wrongful conduct.
- e. Vulnerability of Clients. Mr. Parr's clients were individuals who were seeking relief for alleged violations of their civil rights.
- f. Substantial Experience. Mr. Parr has substantial experience in the practice of law

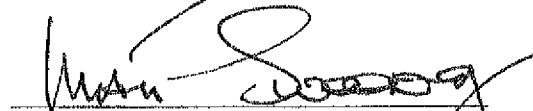
having been licensed to practice in 2005.

- g. Bad-Faith Obstruction of the Disciplinary Proceeding. The undisputed facts reflect Mr. Parr failed to respond to lawful requests of Disciplinary Counsel for information. Mr. Parr also failed to respond to the Petition for Discipline or participate in the disciplinary hearing.


JUDGMENT

Based on these findings of fact and conclusions of law, it is the judgment of the Panel that Mr. Parr shall be disbarred pursuant to Tenn. Sup. Ct. R. 9, § 4.1. Further, the Panel finds that Mr. Parr must pay restitution, pursuant to Tenn. Sup. Ct. R. 9, § 4.7, to all three clients in this case to the extent those clients paid Mr. Parr any fees or costs to pursue their cases. Payment of restitution shall be a condition precedent to reinstatement.

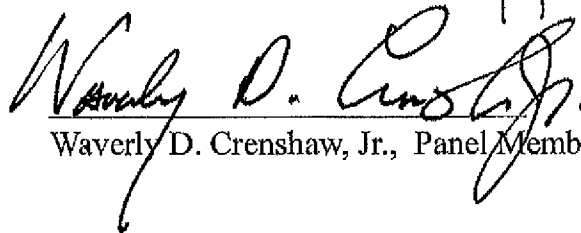
IT IS SO ORDERED,



Matt Sweeney, Panel Chair



Laura L. Chastain, Panel Member



Waverly D. Crenshaw, Jr., Panel Member