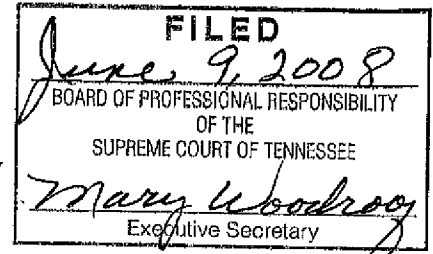


**IN DISCIPLINARY DISTRICT IX
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**



**IN RE: PATRICIA B. PENN, BPR #15748
WILLIAM J. BRYAN PENN, BPR #18173 DOCKET NO. 2002-1301-9-LC**

**WILLIAM B. PENN, BPR #18173 DOCKET NO. 2002-1306-9-LC
PATRICIA B. PENN, BPR #15748
Respondents, Attorneys
Licensed to Practice Law
In Tennessee
(Shelby County)**

**ORDER ON PETITIONS FOR DISCIPLINE AGAINST
RESPONDENT WILLIAM PENN**

This cause came on to be heard for trial before the Hearing Panel consisting of S. Denise McCrary, Venita Marie Martin and Glenn Wright on the 22nd and 23rd days of April, 2008 upon the testimony of the Respondent, testimony of the Honorable Kay Robilio, Attorneys Wendy Dabous, William Monroe, Aubrey Brown, Andrew Bender and Russell Johnson, and Willie Nell Davis and the entire record in this cause from all of which the Hearing Panel finds as follows:

1. In regard to the complaint filed by Wayne Spurling, file number 23403-9-LC the Panel finds the Respondent guilty of all disciplinary rules alleged by the Board of Professional Responsibility to have been violated, and further finds that the Respondent shall make restitution to Dr. Spurling in the amount of \$1,040.00.

2. In regard to the complaint of attorney Wendy Dabous, file number 25323-9-LC, the

Panel finds that the Respondent is guilty of violating all of the disciplinary rules alleged to have been violated by the Board.

3. In regard to the complaint of Richard Tribble, file number 25948-9, the Panel finds that the Board of Professional Responsibility did not sustain its burden of proof in regard to the alleged violations of disciplinary rules, and that therefore, the Respondent is not guilty of any violations.

4. In regard to the complaint of Lucia Carol, file number 26336-9-SG, the Panel finds that the Board of Professional Responsibility did not sustain its burden of proof, and that therefore, the Respondent is not guilty of any alleged violations and disciplinary rule and that, therefore, the Respondent is not guilty of any violations.

5. In regard to the complaints of Willie Nell Davis, file number 29398-8-LC and 21399-9-LC, the Panel finds that the Board did not sustain its burden of proof in regard to the alleged violations and disciplinary rules, and that therefore, the Respondent is not guilty of any violations.

6. In regard to the complaint of attorney William Monroe, file number 23404-9-LC, the Panel finds that the Respondent is guilty of all alleged violations as charged by the Board of Professional Responsibility, and that in this particular case, the acts of the Respondent were egregious, and that the \$35,000.00 retainer fee charged is excessive and unearned and by way of restitution, should be refunded to Patricia Pashby.

7. In regard to the complaint of Sharon Nelms Bryant, file number 25293-9-LC, the Panel finds that the Board of Professional Responsibility did not sustain its burden of proof in regard to the alleged violation of disciplinary rules, and that therefore, the Respondent is not guilty of any violations.

DISCIPLINE

1. The Panel, therefore, believes that the appropriate discipline to be imposed against the Respondent is a suspension of his law license.

2. A suspension is appropriate insofar as the Respondent knew or should have known that his dealings with Ms. Pashby as it pertains to the fees charged were improper, excessive and unearned, and that in regard to the excessive fee charged in the Pashby matter, the motivation to charge and collect a \$35,000.00 appeared to be selfish and dishonest.

3. That the Respondent knew or should have known that conflict of interest could arise in regard to his handling of the Pike matter and that Respondent attempted to cross examine a former client using confidential information causing an opposing party to incur unnecessary attorney's fees. The Panel further feels that the Respondent was not forthright in his testimony regarding the handling of the Pike matter in reference to the complaint of Wendy Dabous.

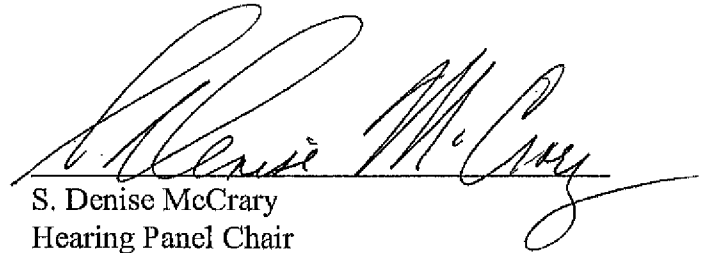
4. That the failure to pay the medical lien in the Spurling matter was a clear ethical violation.

5. That a pattern of misconduct was prevalent and despite the findings that the Board of Professional Responsibility did not meet its burden on all of the Petitions for Discipline filed, the Panel does clearly find that the Respondent inappropriately failed to give appropriate care to the handling of various legal matters.

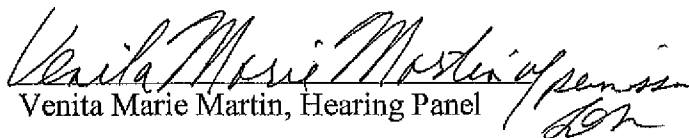
THEREFORE, the Panel hereby recommends a three (3) year suspension from the practice of law, with all time suspended except twelve (12) months, upon the condition that prior to reinstatement, the Spurling lien be paid, that Ms. Pashby receive a refund of \$35,000.00, and that all of the court costs in this cause be paid to the Board of Professional Responsibility prior to reinstatement.

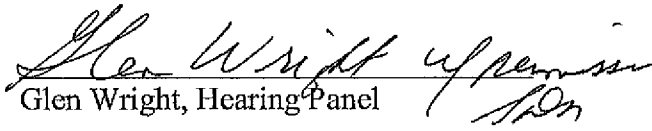
IT IS SO ORDERED, ADJUDGED AND DECREED by the Hearing Panel this 5th day
of June, 2008.

Respectfully submitted,


S. Denise McCrary
Hearing Panel Chair

APPROVED:


Venita Marie Martin, Hearing Panel


Glen Wright, Hearing Panel

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing has been forwarded to Cary Woods, Attorney for Respondent, 100 North Main, Suite 406, Memphis, TN 38103; and Sandy Garrett, Disciplinary Counsel, Board of Professional Responsibility, 1101 Kermit Drive, Suite 730, Nashville, TN 37217, via U.S. Mail this 5 day of June, 2008.

