

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

**IN RE: PHILIP JOSEPH PEREZ,
BPR #021920, Respondent,
An Attorney Licensed to
Practice Law in Tennessee
(Davidson County)**

DOCKET NO. 2020-3100-5-BL

JUDGMENT OF THE HEARING PANEL

This cause came for trial before this Hearing Panel of the Board of Professional Responsibility of the Supreme Court of Tennessee on February 2, 2022 via telephone conference. This cause was heard pursuant to Rule 9, Rules of the Tennessee Supreme Court. This Hearing Panel, Michael Mario Castellarin (Chair), Candi Renee Henry, and Michael J. Sandler, after considering the exhibits, arguments presented to the Panel, and the entire file in this matter and after thorough deliberations, makes its Findings of Fact, Conclusions of Law, and renders its Judgment in this cause.

I. BACKGROUND

This is a disciplinary proceeding against the Respondent, Phillip Joseph Perez, an attorney licensed to practice law in Tennessee in 2002. A Petition for Discipline, Docket No. 2020-3100-5-BL, was filed on June 3, 2020 and personally served upon Mr. Perez on June 23, 2020 at 515 Basswood Avenue, Apt. H85, Nashville, TN 37219 (the "Basswood Avenue Address").

A Supplemental Petition for Discipline was filed on September 2, 2020, and served upon Mr. Perez by first class U.S. mail and by certified mail, return receipt requested to the last address

Mr. Perez had registered with the Tennessee Board of Professional Responsibility, 704 Rock Harbour Court, Nashville, TN 37221-3335 (the "Rock Harbour Court Address").

Mr. Perez failed to reply to the Petition, and the Board filed a Motion for Default Judgment. On November 11, 2020, the Hearing Panel entered an Order for Default Judgment deeming all allegations in the original and supplemental Petitions for Discipline admitted and directing that a final hearing be set to determine the appropriate sanction to be imposed.

Prior to the final hearing to determine sanctions, a Second Supplemental Petition for Discipline was filed on January 29, 2021, and served upon Mr. Perez by first class U.S. mail and by certified mail, return receipt requested, to both the Rock Harbour Court Address and the Basswood Avenue Address. A Third Supplemental Petition for Discipline, in Docket No. 2020-3100-5-BL, was filed on April 16, 2021, and served upon Mr. Perez by first class U.S. mail and by certified mail, return receipt requested, to the Rock Harbour Court Address, the Basswood Avenue Address, and 511 Union Street, Suite 517, Nashville, TN 37219-8714, an address that Mr. Perez had held out as an office address (the "Union Street Address").

Mr. Perez failed to reply to the Second and Third Supplemental Petitions for Discipline. A Motion for Default Judgment to find that charges in the second and third supplemental Petitions for Discipline be Deemed Admitted was filed on November 16, 2021 and served on Mr. Perez by first class U.S. mail to the Rock Harbour Court Address and by email to pperez@hotmail.com.

On December 1, 2021, the Hearing Panel entered an Order for Default Judgment deeming all allegations in the Second and Third Supplemental Petitions for Discipline admitted and directing a Final Hearing be set to determine the appropriate sanction to be imposed for all of the actions deemed admitted by virtue of the default orders.

The final hearing was scheduled for February 2, 2022, and a Notice of Telephonic Hearing was served upon Mr. Perez and Disciplinary Counsel for the Board, Douglas R. Bergeron. Notice to Mr. Perez was served at the Rock Harbour Court Address. Notice was also served by email to pperez75@hotmail.com¹ and to perezlawfirm@gmail.com, the email address that Mr. Perez used in conjunction with his legal practice.²

The final hearing to determine discipline following default was heard and concluded on February 2, 2022. The Board was represented by Douglas R. Bergeron who appeared by telephone. The Respondent, Mr. Perez, failed to appear.

The Hearing Panel finds the following facts have been established by a preponderance of the evidence:

II. FINDINGS OF FACT

1. Mr. Perez's most recent address registered with the Board of Professional Responsibility is 704 Rock Harbour Court, Nashville, Tennessee 37221-3335, being in Disciplinary District V. The Respondent, Philip Joseph Perez, is an attorney admitted by the Supreme Court of Tennessee to practice law in the State of Tennessee. Mr. Perez was licensed to practice law in Tennessee in 2002, and his Board of Professional Responsibility number is 021920.

File No. 61332-5-KB – Complainant – Dale Hawks

2. On October 16, 2018, Dale Hawks retained Mr. Perez to represent him in an uncontested divorce for which he paid a fee of \$900.00.

¹ The record does not contain an explanation for the source of this email address.

² As has been described thus far in this Order, throughout these matters, the Board has made substantial efforts to ensure that Mr. Perez was notified of the proceedings. The record shows that Mr. Perez used multiple office addresses and that his clients often had difficulty locating him. The record is similarly replete with the Board's attempts to locate Mr. Perez and offer him the opportunity to engage in this matter. The Hearing Panel is satisfied that the Board has complied with its obligations under Rule 9, Section 18, and, moving forward, will no longer identify each of the specific methods or dates by which Mr. Perez was provided notice of proceedings.

3. Mr. Perez prepared the Complaint for Divorce, Marital Dissolution Agreement, and Quitclaim Deed.

4. Mr. Hawks returned the executed documents, and on January 14, 2019, Mr. Perez confirmed via email that he had received the documents.

5. Mr. Perez failed to respond to numerous efforts on the part of Mr. Hawks to communicate with him regarding the status of the matter.

6. Mr. Perez failed to file the paperwork in the case.

7. On June 26, 2019, the Board received a complaint against Mr. Perez from Dale Hawks alleging ethical misconduct by Mr. Perez. The complaint was forwarded to Mr. Perez on July 29, 2019.

8. Mr. Perez failed to respond to the Board's July 29, 2019 letter.

9. Having received no response, Disciplinary Counsel sent a second request for a response, via U.S. Mail and email, from Mr. Perez on August 13, 2019.

10. On August 20, 2019, the Board received an email response from Mr. Perez.

11. On September 20, 2019, Disciplinary sent a request for Mr. Perez's fee agreement with Mr. Hawkins as well as all pleadings prepared on behalf of Mr. Hawks and written communication with Mr. Hawks.

12. Mr. Perez failed to respond to the Board's September 20, 2019 letter.

13. Having received no response, Disciplinary Counsel sent a second request for a response via U.S. Mail from Mr. Perez on October 7, 2019.

14. On October 22, 2019, Disciplinary Counsel sent Mr. Perez a Notice of Petition for Temporary Suspension.

15. On November 2, 2019, the Board received Mr. Perez's email response with

attachments to the October 7, 2019 letter.

16. On December 16, 2019 Disciplinary Counsel sent Mr. Perez an email requesting that he refund \$500.00 to Mr. Hawks.

17. Mr. Perez failed to respond to the Board's December 16, 2019 email.

18. Having received no response, Disciplinary Counsel sent a second request to Mr. Perez dated December 26, 2019.

19. Mr. Perez failed to respond to the Board's December 26, 2019 correspondence.

20. Mr. Perez has failed to provide Mr. Hawks with any refund.

21. On January 3, 2020, Disciplinary Counsel sent Mr. Perez a Notice of Petition for Temporary Suspension.

22. Having received no response from Mr. Perez, the Board filed its Petition for Temporary Suspension, which was supported by an affidavit from Disciplinary Counsel Kevin Balkwill detailing that six other complaints were pending against Mr. Perez.³

23. Mr. Balkwill's affidavit also described the Board's attempts to ensure that Mr. Perez was provided appropriate service and other notice related to the complaint. This included investigations to determine that the name of the person who signed for some certified letters was the spouse of Mr. Perez, as supported by deeds and other public news announcements.

24. On January 27, 2020, the Supreme Court of Tennessee entered an Order of Temporary Suspension.

³ These additional complaints were from Complainants Garcia, Strickert, Simmons, Hastings, Massoud, and Newsom. Each complaint is addressed later in this opinion.

File No. 62383c-5-KB – Complainant – Jeanette Garcia

25. On July 28, 2019, Jeanette Garcia retained Mr. Perez to represent her in an uncontested divorce.

26. Mr. Perez met with both Ms. Garcia and her husband.

27. Mr. Garcia paid Mr. Perez \$583 and received a receipt for his payment to Mr. Perez.

28. Ms. Garcia paid \$584 to Mr. Perez for the representation, so that Mr. Perez received a total fee of \$1,167.

29. After meeting with Mr. Perez to complete paperwork concerning the divorce, Ms. Garcia had difficulty locating Mr. Perez.

30. Mr. Perez failed to respond to numerous efforts on the part of Ms. Garcia to communicate with him regarding the status of the matter.

31. On August 16, 2020 Ms. Garcia sent Mr. Perez a message concerning an update on the case.

32. Mr. Perez replied on August 17, 2020, indicating that the paperwork had been filed in the case.

33. Ms. Garcia then inquired as to the exact timing of the filing for divorce on August 30, 2020.

34. Having received no reply, she reached out to him again on September 4, 2019, September 8, 2019, and September 10, 2019.

35. Ms. Garcia learned that the divorce paperwork had not been completed and filed.

36. On October 1, 2019, the Board received a complaint against Mr. Perez from Ms. Garcia alleging ethical misconduct by Mr. Perez. The complaint was forwarded by U.S. Mail to Mr. Perez at the Rock Harbour Court Address on December 16, 2019.

37. Mr. Perez failed to respond to the Board's December 16, 2019 letter.

38. Having received no response, on January 2, 2020, Disciplinary Counsel sent a second request for a response to Mr. Perez, via U.S. Mail to the Rock Harbour Court Address and via email to perezlawfirm@gmail.com.

39. Mr. Perez failed to respond to the disciplinary complaint.

File No. 62796-5-KB – Complainant – Thomas Strickert,
File No. 62812-5-KB – Informant – Michelle Howser, Esq.,
File No. 63301-5-KB – Informant – Honorable Barry Ross Tidwell

40. Thomas Strickert retained Mr. Perez to represent him in a divorce.

41. Mr. Perez prepared the pleadings which were reviewed and executed by Mr. Strickert and filed with the Chancery Court of Rutherford County.

42. Mr. Strickert's wife retained Michelle Howser, and an Answer and Counter-Complaint were filed.

43. The court subsequently scheduled a trial date for November 7, 2019 at 9:00 a.m.

44. At approximately 8:30am on November 7, 2019, Mr. Perez called Ms. Howser's office and explained that, due to a probate hearing in another county, Mr. Perez would be 10-15 minutes late for the hearing.

45. Mr. Strickert and Mr. Perez also exchanged communication with respect to his being late to court that morning, but, ultimately, Mr. Perez failed to appear in court.

46. Due to Mr. Perez's failure to appear at the November 7, 2019 hearing, the court rescheduled the trial to November 20, 2019 at 9:00 a.m.

47. On November 20, 2019, Mr. Perez contacted Ms. Howser's office at 8:30am to advise that he was running late to court and would arrive within 10-15 after the 9:00am hearing time, texted Mr. Strickert at 9:00 a.m. to inform him that he was running late to court.

48. Mr. Perez also contacted Mr. Perez

49. Mr. Strickert advised Mr. Perez that the court had announced it would begin the trial at 10:00 a.m.

50. At 9:57 a.m., Mr. Perez advised Mr. Strickert that his truck had broken down, and he was waiting for assistance from the Tennessee Department of Transportation.

51. According to a document the Board represented as an email from the General Counsel of TDOT, no record of such request for assistance could be located.

52. The Court began the trial on the morning of November 20, 2019, noting that Mr. Perez was not present.

53. Mr. Strickert indicated to Judge Tidwell that he had no witnesses to call in his matter, and opposing counsel's motion for directed verdict was granted as to his claim.

54. The proceeding then continued on the counter-complaint of the opposing party.

55. At 10:47 a.m., Mr. Perez entered the courtroom without his suit jacket in the midst of witnesses testifying.

56. The Court advised Mr. Perez to excuse himself and return once he was appropriately dressed.

57. Mr. Perez exited the courtroom and did not reappear for approximately 35 minutes at which time Mr. Strickert's wife had completed her testimony.

58. The majority of the case proceeded without Mr. Perez's presence and his client failed to benefit from the advice of counsel during those portions of the hearing.

59. Mr. Strickert had to cross-examine four witnesses by himself, without benefit of counsel during the hearing.

60. The Court divided the parties' property and made a custody and support

determination.

61. The Court awarded attorney's fees in the amount of \$15,045 to come out of Mr. Strickert's share of the equity from the sale of the marital home and he was also ordered to pay court costs.

62. Mr. Perez was ordered to self-report his conduct to the Board of Professional Responsibility within 30 days.

63. On November 21, 2019, the Board received a complaint against Mr. Perez from Thomas Strickert alleging ethical misconduct by Mr. Perez. The complaint was forwarded to Mr. Perez on December 11, 2019.

64. On November 26, 2019, the Board received a complaint against Mr. Perez from Michelle Howser, Esq. dated November 21, 2019, alleging ethical misconduct by Mr. Perez. The complaint was forwarded to Mr. Perez on November 26, 2019.

65. On January 7, 2020, the Court learned that Mr. Perez had not self-reported his actions and entered a report of the conduct.

66. On January 10, 2020, the Board received a complaint against Mr. Perez from the Honorable Barry Ross Tidwell, dated January 7, 2020, alleging ethical misconduct by Mr. Perez. The complaint was forwarded to Mr. Perez on January 13, 2020.

67. Mr. Perez failed to respond to the disciplinary complaints.

File No. 62959c-5-KB – Complainant – Nickie Simmons

68. On November 6, 2018, Mr. Nickie Simmons retained Mr. Perez to represent him in a divorce.

69. On April 30, 2019, Mr. Perez filed Mr. Simmons's complaint for divorce.

70. On September 6, 2020, Mr. Perez filed a Motion for Default indicating that he expected the motion to be heard on September 20, 2019.

71. Evidently, the motion for default was never heard.

72. Pursuant to the Court pleadings report, the last filing from Mr. Perez was the September 6, 2020 Motion for Default.

73. Mr. Perez failed to respond to numerous efforts on the part of Mr. Simmons to communicate with him regarding the status of the matter, and the last communication Mr. Simmons received from Mr. Perez was on October 3, 2019.

74. On December 10, 2019, the Board received a complaint against Mr. Perez from Nickie Simmons alleging ethical misconduct by Mr. Perez.

75. The complaint was forwarded to Mr. Perez, who failed to respond.

76. On January 21, 2021 new counsel for Mr. Simmons filed a Motion to Relieve Mr. Perez from the case.

File No. 63133-5-KB – Complainant – Sarah Hastings

77. Sarah Hastings retained Mr. Perez to represent her in a divorce for which she paid a fee of \$650.00 in January 2019 and a filing fee of \$259.50 on March 8, 2019.

78. Mr. Perez failed to respond to numerous efforts on the part of Ms. Hastings to communicate with him regarding the status of the matter.

79. The last communication Ms. Hastings received from Mr. Perez was on October 3, 2019.

80. On October 17, 2019, Ms. Hastings contacted the Cheatham County Clerk & Master who advised that no complaint for divorce had been filed with the court.

81. On December 23, 2019, the Board received a complaint against Mr. Perez from

Sarah Hastings alleging ethical misconduct by Mr. Perez.

82. The complaint was forwarded to Mr. Perez, who failed to respond..

File No. 63500-5-KB – Complainant – Natae Masoud

83. Natae Masoud paid Mr. Perez \$500.00 on August 2, 2019 to assist his son, Shenoda Masoud, who was being held at an ICE processing center as part of a removal proceeding.

84. On August 5, 2019, Mr. Masoud gave a second check to Mr. Perez in the amount of \$3,800.00.

85. Mr. Perez has failed to communicate with Mr. Masoud or perform any work on the case since the last payment in 2019.

86. On January 29, 2020, the Board received a complaint against Mr. Perez from Natae Masoud alleging ethical misconduct by Mr. Perez.

87. The complaint was forwarded to Mr. Perez, who failed to respond.

File No. 63541-5-KB – Complainant – Carnell Newsom

88. Carnell Newsom hired Mr. Perez's brother, David Perez, Esq., with respect to felony drug charges.

89. David Perez, Esq. appeared at the arraignment on July 9, 2018, and then Mr. Philip Perez took over the representation.

90. Mr. Philip Perez failed to appear for court dates, and his only communications with Mr. Newsom were through text messages requesting additional fees.

91. On January 23, 2020, the Board received a complaint against Mr. Perez from Carnell Newsom alleging ethical misconduct by Mr. Perez

92. The complaint was forwarded to Mr. Perez, who failed to respond,

File No. 63994-5-KB – Complainant – Limbert Banegas c/o Larry Drolsum, Esq.

93. On February 8, 2019, Limbert Banegas retained Mr. Perez to represent him in the General Sessions Court of Robertson County with respect to charges of speeding and failure to produce a driver's license for which he paid a fee of \$800.00.

94. Mr. Banegas's court date was February 27, 2019.

95. On February 27, 2019, Mr. Banegas appeared in court, but Mr. Perez never appeared.

96. Mr. Banegas advised the court that he had paid Mr. Perez to represent him in the matter and the court rescheduled the matter for June 24, 2019.

97. Complainant appeared in court on June 24, 2019 and advised the judge he had not been able to contact Mr. Perez.

98. The judge also attempted to contact Mr. Perez but was unsuccessful.

99. The court eventually resolved the case by dismissing the charges against Complainant.

100. Mr. Banegas engaged counsel Larry Drolsum, to requested the return of the fee paid from Mr. Perez. Mr. Perez has never returned the fee.

101. Mr. Drolsum also assisted Mr. Banegas in filing a complaint against Mr. Perez on March 18, 2020 alleging ethical misconduct by Mr. Perez.

102. The complaint was forwarded to Mr. Perez, and Mr. Perez failed to respond to the disciplinary complaint.

File No. 64347-5-KB – Complainant – Saira Arguijo⁴

103. On September 1, 2019, Saira Arguijo retained Mr. Perez to represent her in the filing of a Petition for Asylum.

104. Ms. Arguijo executed a written retainer agreement requiring the payment of a \$5,000.00 fee to Mr. Perez. A true and accurate copy of the fee agreement is attached hereto as Exhibit 4.

105. Ms. Arguijo paid the \$5,000.00 fee in cash payments to Mr. Perez, with her last payment made in February 2020.

106. Mr. Perez communicated with Ms. Arguijo via email to confirm his representation and her payments.

107. Following the January 27, 2020 Order of Temporary Suspension, Mr. Perez continued to communicate with Ms. Arguijo concerning her case on February 1, 2020.

108. Mr. Perez then ceased communications with her.

109. There is no indication Mr. Perez provided Ms. Arguijo with any legal services in exchange for her payments.

110. Mr. Perez did not communicate his temporary suspension to Ms. Arguijo and inform her that he could not represent her further.

111. Mr. Perez did not refund Ms. Arguijo's payments.

112. On May 5, 2020, the Board received a complaint against Mr. Perez from Saira Arguijo alleging ethical misconduct by Mr. Perez.

113. The complaint was forwarded to Mr. Perez, who failed to respond.

⁴ Evidence related to Ms. Arguijo's complaint is in Spanish and was provided without translation. However, given the default judgment, we accept the Board's assertions as true.

File No. 64580-5-KB – Complainant – Kasondra Davis

114. In the fall of 2018, Kasondra Davis retained Mr. Perez to assist her in a custody proceeding in juvenile court.

115. Ms. Davis had engaged in mediation pro se with the father of her child and the matter was resolved at the mediation, but Ms. Davis disputed the agreement.

116. Ms. Davis initially paid \$500.00 of a \$2,400.00 fee quoted by Mr. Perez.

117. Ms. Davis later paid \$1,000 via a money transfer to Mr. Perez on February 28, 2019.

118. There was also an additional payment of \$300.00 made to Mr. Perez on Ms. Davis's behalf.

119. While Mr. Perez appeared in court on the case initially, he then missed numerous court appearances.

120. On May 27, 2020, the Board received a complaint against Mr. Perez from Kasondra Davis alleging ethical misconduct by Mr. Perez.

121. The complaint was forwarded to Mr. Perez, who failed to respond.

File No. 65746-5-KB – Complainant – Daniel Killingsworth

122. On October 7, 2020 Daniel Killingsworth, a former Metro Nashville police investigator, made a complaint to the Board alleging ethical misconduct.

123. Mr. Killingsworth had discovered client records and other personal information associated with attorney Philip Perez that he had discovered placed by a trash bin near a condominium unit.

124. The address of the condominium unit matched the address that Mr. Perez had

used.

125. The complaint was forwarded to Mr. Perez on October 8, 2020, who failed to respond to the complaint.

126. Disciplinary Counsel Kevin Balkwill recovered the client files and information.

127. Upon review of the files, the information contained includes medical documentation, social security numbers, and other confidential client information.

III. CONCLUSIONS OF LAW

Tenn. S. Ct. R. 9, §8.2 states that Disciplinary Counsel must prove its case by a preponderance of the evidence. Pursuant to Tenn. S. 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, this Hearing Panel, and the Circuit and Chancery Courts of the state. Pursuant to Tenn. S. 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. S. Ct. R. 9, § 11.1, acts or omissions by an attorney which violate the Rules of Professional Conduct of the State of Tennessee constitute misconduct and grounds for discipline.

Together, the petitions in this case contain twelve complaints. The Board alleged the complaints resulted in unethical conduct and violated Rules of Professional Conduct (RPC) 1.3 (diligence); 1.4 (communication); 1.5 (Fees), 1.6 (confidentiality of Information), 1.15 (safekeeping of Property and Funds), 1.16 (declining or terminating representation); 3.2

(expediting litigation), 3.4 (fairness to opposing party and counsel), 8.1(bar admission and disciplinary matters), and 8.4 (misconduct).

Based upon the evidence presented and the default judgment which resulted in the admission by Respondent of all allegations of the Petition, Supplemental Petition, Second Supplemental Petition, and Third Supplemental Petition, the Hearing Panel finds by a preponderance of the evidence that Philip Joseph Perez committed and admitted to multiple violations of RPC 1.3 (diligence); 1.4 (communication); 1.5 (fees), 1.6 (confidentiality of information), 1.15 (safekeeping of property and funds), 1.16 (declining or terminating representation); 3.2 (expediting litigation), 3.4 (fairness to opposing party and counsel), 8.1 (bar admission and disciplinary matters), and 8.4 (misconduct). The Panel further finds that the conduct that gave rise to these violations is as contained in the Petitions admitted as trial exhibits. The Panel further finds that, based on all circumstances, the actions of Mr. Perez were knowing as opposed to negligent.

IV. APPLICATION OF THE ABA STANDARDS FOR IMPOSING LAWYER SANCTIONS

Pursuant to Tenn. S. Ct. R. 9, § 8.4, the appropriate discipline must be based upon application of the ABA Standards for Imposing Lawyer Sanctions, (“ABA Standards”). Based upon the facts and misconduct previously cited, the Hearing Panel finds the following ABA Standards applicable and relevant to its determination of the appropriate discipline to be imposed against Mr. Perez:

4.1 FAILURE TO PRESERVE THE CLIENT'S PROPERTY – (RPC 1.15) - Absent aggravating or mitigating circumstances, upon application of the factors set out in 3.0, the following sanctions are generally appropriate in cases involving the failure to preserve client property:

4.11 Disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client.

4.2 FAILURE TO PRESERVE THE CLIENT'S CONFIDENCES – (RPC 1.6) - Absent aggravating or mitigating circumstances, upon application of the factors set out in 3.0, the following sanctions are generally appropriate in cases involving improper revelation of information relating to representation of a client:

4.21 Disbarment is generally appropriate when a lawyer, with the intent to benefit the lawyer or another, knowingly reveals information relating to representation of a client not otherwise lawfully permitted to be disclosed, and this disclosure causes injury or potential injury to a client.

4.4 LACK OF DILIGENCE- (RPC 1.3 and 1.4) - Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving a failure to act with reasonable diligence and promptness in representing a client:

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.

4.6 LACK OF CANDOR – (RPC 1.5) - Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases where the lawyer engages in fraud, deceit, or misrepresentation directed toward a client:

4.61 Disbarment is generally appropriate when a lawyer knowingly deceives a client with the intent to benefit the lawyer or another, and causes serious injury or potential serious injury to a client.

5.1 FAILURE TO MAINTAIN PERSONAL INTEGRITY – (RPC 8.1 and 8.4) - Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving commission of a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects, or in cases with conduct involving dishonesty, fraud, deceit, or misrepresentation:

5.11 Disbarment is generally appropriate when:
(a) a lawyer engages in serious criminal conduct a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentation, fraud, extortion, misappropriation, or theft; or the sale, distribution or importation of controlled substances; or the intentional killing of another; or an

attempt or conspiracy or solicitation of another to commit any of these offenses; or

(b) a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.

6.2 ABUSE OF THE LEGAL PROCESS - (RPC 3.2 and 3.4) - Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving failure to expedite litigation or bring a meritorious claim, or failure to obey any obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists:

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.

7.0 VIOLATIONS OF DUTIES OWED AS A PROFESSIONAL - (RPC 1.16 and 8.1) - Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving false or misleading communication about the lawyer or the lawyer's services, improper communication of fields of practice, improper solicitation of professional employment from a prospective client, unreasonable or improper fees, unauthorized practice of law, improper withdrawal from representation, or failure to report professional misconduct.

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.

AGGRAVATING AND MITIGATING CIRCUMSTANCES

Pursuant to ABA Standard 9.22, the following aggravating factors were considered by the Hearing Panel to determine the appropriate discipline to be imposed against Mr. Perez:

1. Mr. Perez's multiple offenses are an aggravating circumstance justifying an increase in the degree of discipline to be imposed.
2. Mr. Perez's prior disciplinary offenses are an aggravating circumstance justifying an increase in the degree of discipline to be imposed.

3. Mr. Perez's dishonest and selfish motives are an aggravating circumstance justifying an increase in the degree of discipline to be imposed.

4. Mr. Perez's pattern of conduct is an aggravating circumstance justifying an increase in the degree of discipline to be imposed.

5. Mr. Perez's substantial experience in the practice of law is an aggravating circumstance justifying an increase in the degree of discipline to be imposed.

Pursuant to ABA Standard 9.32, the Hearing Panel finds no mitigating factors applicable in this matter.

V. JUDGMENT

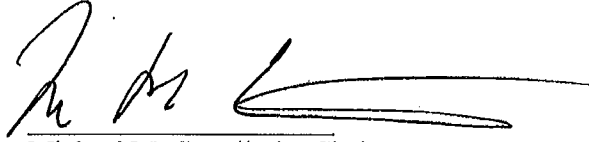
The actions of Mr. Perez were knowing violations of disciplinary Rules. Having established the appropriate baseline sanction to be permanent disbarment pursuant to Tenn. Sup. Ct. R. 9, §12.1 and upon consideration of the facts in this case, the aggravating and mitigating factors presented, the application of the Rules of Professional Conduct and the ABA Standards, the Hearing Panel finds by a preponderance of the evidence that Mr. Perez committed disciplinary misconduct and should be permanently disbarred from the practice of law.

VI. NOTICE

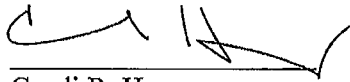
This judgment may be appealed pursuant to Tenn. S. Ct. R. 9, § 33 by filing a Petition for Review in the Circuit or Chancery Court within 60 days of the date of entry of the hearing panel's judgment.

ENTERED ON THIS THE 2nd DAY OF MARCH, 2022.

BY THE PANEL:



Michael M. Castellarin, Chair



Candi R. Henry

Michael J. Sandler by *per me w/ permission*
Michael J. Sandler

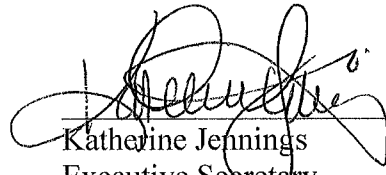
CERTIFICATE OF SERVICE

I certify that a copy of the foregoing *Findings of Fact and Conclusions of Law* has been served upon the Counsel for the Board, Douglas R. Bergeron, and upon Respondent, Philip Joseph Perez, Esq., by First Class U. S. Mail, addressed to him at 704 Rock Harbour Ct., Nashville, TN 37221-3335, by First Class U. S. Mail to 616 West Hill Avenue, 2nd Floor, Knoxville, TN 37902, and by electronic service to Respondent's email address at perezlawfirm@gmail.com on this _____ day of _____ 2022.

Katherine Jennings

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been sent to Respondent, Philip Joseph Perez, 501 Union Street, Suite 517, Nashville, TN 37219 and 704 Rock Harbour Court, Nashville, TN 37221, by U.S. First Class Mail, and by electronic service to Respondent's email addresses at perezlawfirm@gmail.com and pperez75@hotmail.com, and hand-delivered to Douglas A. Bergeron, Disciplinary Counsel, on this the 2nd day of March 2022.


Katherine Jennings
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.