

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

FILED
2014 MAR 21 PM 1:50
BOARD OF PROFESSIONAL
RESPONSIBILITY
EXBB-5001

IN RE: JAMES STRONG POWELL,
BPR #15619, Respondent,
An Attorney Licensed to
Practice Law in Tennessee
(Hardin County)

DOCKET NO. 2011-2073-7-SG(14)

FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT

This matter came on for hearing before a duly appointed Hearing Panel on February 21, 2014 upon a Petition for Final Discipline filed by the Board pursuant to Tenn. Sup. Ct. R. 9, § 14. Present were K. Michelle Morris, Panel Chair; Matthew R. Armour, Panel Member; Brandon O. Gibson, Panel Member; and William C. Moody, Disciplinary Counsel. Mr. Powell was not present for the hearing. Upon statements of counsel, evidence presented, and upon the entire record in this cause, the Panel makes the following findings and judgment.

STATEMENT OF THE CASE

On September 21, 2013, the Tennessee Supreme Court suspended Respondent pursuant to Tenn. Sup. Ct. R. 9, § 14 due to Respondent's conviction of aggravated perjury in violation of T.C.A. 39-16-703, a serious crime, in the Circuit Court for Hardin County, Tennessee.

The September 21, 2013 Order referred the matter to the Board of Professional Responsibility for the institution of formal proceedings. Accordingly, the Petition for Final Discipline was filed in this cause on September 10, 2012. The Respondent was served by certified mail on December 5, 2013. The Respondent did not file an Answer or otherwise appear. An Order for Default Judgment was entered on January 28, 2014.

FINDINGS

On August 9, 2011, the Respondent was found guilty by a jury of aggravated perjury in violation of T.C.A. 39-16-703, a serious crime, in the Circuit Court for Hardin County, Tennessee.

On December 22, 2011, a Judgment was entered sentencing Respondent to a term of imprisonment of two (2) years, seven (7) months and nine (9) days.

The Respondent's application for permission to appeal his conviction to the Tennessee Supreme Court was denied on September 11, 2013. Therefore, all appeals from the conviction have concluded.

The Panel finds that the Respondent's conviction is conclusive evidence of the commission of the serious crime of aggravated perjury in violation of T.C.A. 39-16-703. Pursuant to Tenn. Sup. Ct. R. 9, § 14, the sole issue to be determined in this matter is the extent of final discipline.

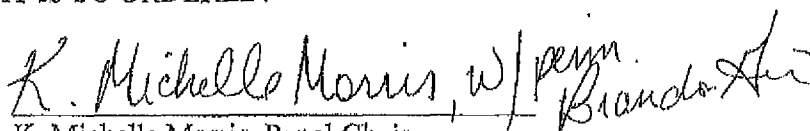
The Panel concludes that ABA Standard 5.11(a), recommending disbarment, applies to the Respondent's conduct. The Panel further finds that Respondent's conduct seriously adversely reflects on his fitness to practice law.

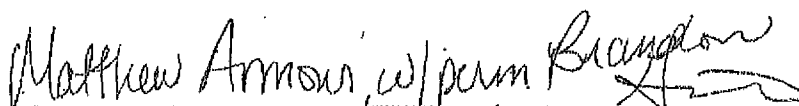
The Panel finds that there are no mitigating factors. The Panel finds that there are several aggravating factors, including prior disciplinary history, a dishonest motive, and substantial experience in the practice of law.

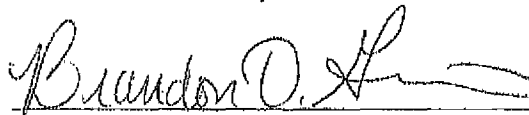
JUDGMENT

Accordingly, it is the decision of the Panel that Respondent should be disbarred.

IT IS SO ORDERED.


K. Michelle Morris, Panel Chair


Matthew R. Armour, Panel Member


Brandon O. Gibson, Panel Member

NOTICE: This judgment may be appealed pursuant to Tenn. Sup. Ct. R. 9, § 1.3 by filing a Petition for Writ of Certiorari, which petition shall be made under oath or affirmation and shall state that it is the first application for the Writ. See Tenn. Code Ann. § 27-8-104(a) and 27-8-106.