



BOARD OF PROFESSIONAL RESPONSIBILITY

of the

SUPREME COURT OF TENNESSEE

10 Cadillac Drive Suite 220

Brentwood, TN 37027

FAX No: 615-367-2480

EMAIL: complaints@tbpr.org

Complaint/Assistance Form

Please check ONE of the following:

I would like to file a formal complaint: [] OR I would rather file an informal request for assistance: []

Your Name: Mr. [] Mrs. [x] Ms. [] Miss [] May Mary Jones

Your Home Address: 709 Municipal Drive, County Seat, TN
City State Zip

Email Dont have one right now Check box if incarcerated: [] Inmate ID#: _____

Your Home Phone: _____ Your Work Phone: _____ Your Cell Phone: (000) 000-0000

Your Employer: Not working - disabled

Your Work Address: _____
City State Zip

Where do you prefer to receive correspondence? Home address [] Work Address []

Lawyer's Name: Nancy Lawrence Lawyer's Phone: Dont have it

Lawyer's Address: Dont have it. Lost the papers
City State Zip

(Fill out a separate form for each lawyer you are complaining about. Do not include the name of the law firm.)

The above lawyer is: My attorney: [x] Opposing attorney: [] Other: []

Date of first contact with Lawyer: cant remember Date of last contact with Lawyer: cant remember

Is your case: Criminal [] Civil [x] Case# _____ County: Last year I think

If your case is in a Federal District, please check one of the following districts: Eastern [] Middle [] Western []

Please check the case type: Dont know what this means ↓

Bankruptcy _____ Domestic (Family) _____ General Civil _____ Personal Injury _____ Workers Comp _____ Estate _____

Social Security _____ Real Estate _____ Other (please describe): _____

Criminal (if this is a Criminal case, please list the charge[s]): _____

Stage of the Criminal Case: Dont know what this means ↓

Trial or Pre-Trial _____ Direct Appeal _____ Post-Conviction _____ Post-Conviction Appeal _____ Habeas Corpus _____

Violation of Probation/Parole _____ Other: _____

CLEARLY DESCRIBE YOUR CONCERNS AND ATTACH SUPPORTING DOCUMENTS: _____

I sent you a letter telling you
what my lawyer did

If more space is needed, please attach extra pages. Please do not write on the back of this form.

In the event our office is unable to reach you, please provide the name and address of an alternate contact person:

NOTE: The filing of this complaint does not create an attorney-client relationship and the Board will not provide you any legal advice. The Board does not intervene in any on-going legal matter. The Board cannot require a lawyer to do, or not do, anything until a finding of misconduct is made. Filing a complaint with the Board will not preserve your legal rights and remedies. You should pursue independent legal advice and counsel concerning your legal matters. You may have limited time (statute of limitations) to file a legal malpractice lawsuit.

The information given in this complaint is true to the best of my knowledge and belief. I am aware that the lawyer may be notified of my complaint.

YOUR SIGNATURE: Mary Trues Date: May 1, 19

FORWARD TO: Board of Professional Responsibility
10 Cadillac Drive Suite 220
Brentwood, TN 37027
FAX NO: 615-367-2480
EMAIL: complaints@tbpr.org

OFFICE USE ONLY
Log: / /
DC: Action:
Case Type:

Tennessee Board of Professional Responsibility

10 Cadillac Drive, Suite 220

Brentwood, TN 37027

Dear Board of Professional Responsibility:

I am writing to complain about attorney Nancy Lawrence. Ms. Lawrence didn't do anything that she said she was going to do. She didn't listen to a word that I said and didn't return my phone calls. Ms. Lawrence shouldn't be a lawyer and should be disbarred. I am going to sue her for all the things that she did wrong on my case. Ms. Lawrence has caused me to be depressed and anxious. I can hardly get out of the house because I have been so upset about how she messed up my case. Now I am going to have to pay a lot of money because of her mistakes. Everyone says that she is an alcoholic. As a lawyer, she is a total joke. Her office is disorganized, and every time that I tried to call her voice mail would be full. I stopped by her office and she wasn't there, and her staff was rude to me. I would call and call and never get a call back from her.

I just knew that something was wrong with my case a few months before trial, so I talked to my family about it. They told me to get another lawyer, so I contacted Ashley Hawkins, who told me that Ms. Lawrence made lots of mistakes. Ms. Hawkins has been a great attorney. I wish that I had hired her instead of getting Ms. Lawrence. She listens to what I say and answers the phone when I call. She talks to me with respect and doesn't yell at me the way that Ms. Lawrence and her secretary did.

Now I am having to go to the hospital because of my nerves. I don't want Ms. Lawrence to do to other people what she did to me. The accident wasn't my fault and she didn't do anything to protect me in Court. I want you to discipline Ms. Lawrence so she knows that what she did was wrong.

Sincerely,

Mary Jones

LAWRENCE & ANDERSON
123 MAIN STREET, COUNTY SEAT, TENNESSEE 37000
PHONE: (000) 000-0000

June 1, 2019

Disciplinary Counsel
Tennessee Board of Professional Responsibility
10 Cadillac Drive, Suite 220
Brentwood, TN 37027

Re: Response to Mary Jones Disciplinary Complaint
Disciplinary Complaint # 60000-2-DC

Dear Disciplinary Counsel:

This is my response to the disciplinary complaint filed by my former client, Mary Jones. Ms. Jones' complaint is entirely unfounded and filed solely due to her personal dislike of me and my office staff. I have a strong reputation in the local bar, and I am active in religious and civic organizations. In my twenty years of practicing law, I have never had a client question my capacity or integrity as a practicing attorney. I am asking that you promptly dismiss this frivolous complaint against me.

I agreed to represent Ms. Jones in defense of a personal injury suit filed by John Smith, by and through his counsel Linda Graham. Mr. Smith was injured on April 1, 2016 in a motor vehicle accident, in which Ms. Jones was clearly at fault. I do all the local insurance defense work for Ms. Jones' insurance carrier, and they sent me Ms. Jones' file. I sent a letter to Ms. Jones providing notice of my representation on February 1, 2017. By that time, Mr. Smith had hired Linda Graham to pursue his personal injury claims.

Ms. Jones began calling my office incessantly after she received the letter. There was nothing significant going on with her claim at that point, as it was in pre-litigation. I was also in the middle of several significant trials, which prevented me from immediately responding. Ms. Jones then showed up at my office, unexpectedly and without making an appointment. She was angry and demanded to see me. I was not in the office, and Ms. Jones was asked to leave.

I called Ms. Jones back and asked that she make an appointment before appearing in my office. I also asked that she refrain from behaving in a belligerent manner and advised that my

staff felt threatened by her presence. Despite my efforts to be polite and courteous, she was rude and disrespectful to me during our phone call.

The case did not settle pre-lit, so Ms. Graham filed suit on March 31, 2017. I filed a timely answer. Ms. Graham sent me a set of written discovery on May 1, 2017. I dictated a letter to send the discovery to Ms. Jones, but my secretary, Ms. Johnson, inadvertently put the letter in the wrong envelope and it was sent to another client. An order was later entered requiring Ms. Jones to pay Ms. Graham's fees after we had continued problems getting the discovery answered.

Ms. Jones then showed up again at my office without an appointment, and this time was so angry I told her that if she did not leave, I would call the police. Due to her belligerent attitude, I told her that any further communication with her would be by regular mail only. I did this for my own safety and that of my staff.

I continued to work on the case and completed party depositions and expert proof. I admit that I could have done a better job at getting ready for trial, but Ms. Jones was such a difficult client that it was next to impossible to work with her. I was also experiencing a huge amount of stress at the time due to a downturn in my law business and some personal stuff. I started attending Alcoholics Anonymous meetings, but only because I promised my spouse that I would. I am a social drinker, and sometimes like to have a few drinks after work and when I watch TV to unwind, but I have always been able to control my drinking.

Three months prior to trial, I was contacted by another lawyer who told me that Ms. Jones had hired her. An order was entered substituting counsel, and I closed my file.

This Board complaint has no merit and should be dismissed. Ms. Jones is an angry, hateful person who would not have been satisfied no matter what happened on her case. I did the best I could on Ms. Jones' case, and communicated with her as well as could be expected given her difficult demeanor.

Sincerely,

Nancy Lawrence

Attorney-at-Law

MEMORANDUM

Date: September 1, 2019
TO: File
FR: Disciplinary Counsel
RE: Nancy Lawrence Disciplinary Complaint
SUBJECT: Summary of Factual Information

On April 1, 2016, John Smith was traveling in his vehicle on a two-lane highway in Murfreesboro, Tennessee, when his vehicle was struck from behind by the Complainant, Mary Jones. Mr. Smith was going only 25 miles per hour when his vehicle was struck. Mr. Smith was traveling at this slow rate of speed due to recurring mechanical problems with his vehicle. The speed limit was 65 miles per hour. Ms. Jones was traveling at 75 miles per hour when she struck Mr. Smith's vehicle.

The officer at the scene issued a citation to Ms. Jones. Mr. Smith treated for neck pain which he attributed to the motor vehicle accident. Diagnostic tests did not reveal any recent structural injury. Mr. Smith's medical history shows that he had treated on an ongoing basis for the previous twenty years for neck pain.

Mr. Smith retained attorney Linda Graham to pursue a personal injury claim arising out of the motor vehicle accident. Ms. Graham contacted Ms. Jones' insurance carrier and forwarded a settlement demand. The Respondent, attorney Nancy Lawrence acted as local counsel for Ms. Jones' insurance carrier and was given Ms. Jones' file. Ms. Lawrence is one of two partners at a small private firm. Ms. Lawrence's practice is limited to insurance defense, mostly consisting of motor vehicle accident cases. Ms. Lawrence's partner handles mostly criminal defense matters.

Ms. Lawrence sent a standard form letter to Ms. Jones on February 1, 2017 once in receipt of the adjuster's file. The form letter confirmed that Ms. Lawrence was hired by Ms. Jones' insurance carrier but did not clarify whether or not Ms. Jones was Ms. Lawrence's client, whether there would be any fees paid by Ms. Jones, or who would have decision making authority concerning Mr. Smith's claim. Ms. Jones attempted to reach Ms. Lawrence after receiving the letter, but Ms. Lawrence's voice mail box was full. Ms. Jones called the firm's general office number and left messages in the general delivery mailbox. Unbeknownst to Ms. Jones, the messages were retrieved by Ms. Lawrence's legal assistant and receptionist, Sally Johnson, who wrote hand written messages and placed them in Ms. Lawrence's inbox. Ms. Lawrence was out on vacation for two weeks when Ms. Jones first called. Ms. Lawrence had an unusually busy schedule the month after she returned due to a long jury trial.

After six weeks passed with no response from Ms. Lawrence, Ms. Jones, exasperated, arrived at Ms. Lawrence's office and demanded to see her. Ms. Johnson told Ms. Jones that Ms.

Lawrence was not available. Ms. Johnson reports that Ms. Jones became irate at this point, raising her voice and pointing her finger at Ms. Johnson. Ms. Johnson feared for her safety and told Ms. Jones that she needed to leave. Ms. Jones left the office without further incident. Ms. Jones denies that she acted in a threatening or belligerent manner, although she acknowledges that she was upset.

Ms. Lawrence finally attempted to reach Ms. Jones on April 5, 2017. Ms. Lawrence did not timely review her incoming mail and discovered that a week after Ms. Jones' first call, Ms. Graham had forwarded a settlement demand. Ms. Graham's demand indicated that Mr. Smith was eager to conclude his personal injury claim prior to suit being filed. Mr. Smith offered to settle the case for \$25,000 in return for a release of claims, which was half his medical bills and lost wages. Ms. Graham also left messages for Ms. Lawrence after not receiving a response to her demand. These calls were not returned by Ms. Lawrence.

Having not received a response to her settlement demand, Ms. Graham filed suit on March 31, 2017 to preserve Mr. Smith's claims. Ms. Lawrence filed an answer after Ms. Jones was served with process. Ms. Graham served written discovery on Ms. Lawrence on May 1, 2017. Ms. Lawrence dictated a letter to Ms. Jones to forward the written discovery, but Ms. Johnson inadvertently placed the letter and written discovery in the wrong envelope and mailed it accidentally to another client. The client had moved and so the mail was not returned as undeliverable. Ms. Lawrence claims that Ms. Johnson had made a number of similar errors in her work performance in the past. Ms. Johnson was verbally reprimanded for these errors.

Ms. Lawrence received a letter from Ms. Graham after Ms. Jones' discovery responses were late. Ms. Lawrence took no action, as she had mailed the discovery request to Ms. Jones and was waiting on a response. Ms. Graham filed a motion to compel. Ms. Graham and Ms. Lawrence appeared at the motion hearing. Ms. Lawrence told the Judge that the discovery had been forwarded but Ms. Jones had not answered. Ms. Lawrence mentioned that she had recurring problems with Ms. Jones, as she had behaved in a threatening manner with the firm receptionist.

The Court entered an order on July 1, 2017 compelling Ms. Jones to respond to discovery within thirty days. Ms. Lawrence dictated a cover letter to Ms. Jones, but due to the fact that Ms. Johnson was backed up with work and was (by her own admission) a very slow typist, the letter was not mailed to Ms. Jones until only ten days remained on the Court's thirty-day deadline. Ms. Jones did not read the mailing until August 1, 2017, a day after the deadline expired, as she was on vacation when it arrived at her home. Ms. Lawrence acknowledges that she did not make any phone calls or emails to Ms. Jones after mailing her the original discovery in early May 2017.

Ms. Jones, frustrated, immediately called Ms. Lawrence. Ms. Jones began using profanity, and in response, Ms. Lawrence became agitated and frustrated. The phone call devolved into a yelling match. Ms. Lawrence hung up the phone on Ms. Jones. In an effort to self-medicate, Ms. Lawrence walked to a local bar and began speaking with a golf buddy and fellow member of the local bar. Ms. Lawrence began venting about Ms. Jones and described the details of their phone conversation. Ms. Lawrence's golf buddy similarly began expressing frustrations concerning one of his own clients.

On August 5, 2017, Ms. Graham filed a motion for sanctions, seeking recoupment of her fees. The Court granted the motion and ordered Ms. Jones to pay \$1,500 in fees. The Court also established a scheduling order requiring that written discovery and party depositions be completed by January 1, 2018, expert proof by June 1, 2018, and set the matter for jury trial beginning January 15, 2019. Ms. Lawrence mailed the order to Ms. Jones and provided her with the address to mail the \$1,500 payment to Ms. Graham directly.

Once in receipt of the order, Ms. Jones drove to Ms. Lawrence's office. Ms. Johnson saw Ms. Jones park her car and proceeded to hide in the firm's break room. Ms. Jones screamed for Ms. Lawrence to appear. Ms. Lawrence's law partner appeared and told Ms. Jones to leave or law enforcement would be called. Ms. Jones left the office.

Ms. Lawrence wrote to Ms. Jones and stated that in light of her conduct, stated that any further communications needed to happen only by regular mail. Ms. Lawrence told Ms. Jones that she would not communicate by text message, as she did not provide her cell phone number to her clients, or email, as she was not tech savvy. According to Ms. Jones, her frustration at Ms. Lawrence became so great that she simply chose to stop communicating with her and admits that she let the lawsuit fall completely off her radar.

Ms. Lawrence was eventually able to obtain and forward responses to Ms. Graham's written discovery. Ms. Lawrence did not forward any written discovery to Ms. Graham. Party depositions were taken. Ms. Lawrence sent a letter to Ms. Jones a week prior to the deposition, which was received two days prior to the deposition. The letter told Ms. Jones that party depositions would be taken and provided the date, time, and location. Ms. Jones did not know what "depositions" were and due to the short period of time, was unable to write a letter back to Ms. Lawrence asking for clarification.

Ms. Graham took a thorough deposition of Ms. Jones, which lasted three hours. Ms. Lawrence deposed Mr. Smith for only 30 minutes. Ms. Lawrence failed to ask Mr. Smith about prior medical treatment or neck pain. Ms. Lawrence also failed to ask Mr. Smith about any criminal history. Mr. Smith had a felony conviction in 2016 for committing perjury while testifying as a third-party witness in an unrelated civil matter and had an additional felony conviction in 2010 for writing bad checks.

Mr. Smith's orthopedist was deposed prior to the Court's deadline. The expert opined that Mr. Smith's neck pain was causally related to the 2016 motor vehicle accident. Ms. Lawrence did not ask the orthopedist any questions about Mr. Smith's preexisting neck pain, and as no written discovery was sent, Ms. Lawrence did not obtain Mr. Smith's medical records.

Ms. Lawrence acknowledges that beginning in early 2016, she began spending a little too much time socializing with her friends at the local bar. As a result, Ms. Lawrence began attending Alcoholics Anonymous meetings on a regular basis and began treating for depression.

After the expiration of the deadline for taking expert proof, Ms. Graham, anticipating that she would figuratively wipe the floor with Ms. Lawrence, particularly due to the strength of her

medical proof, sent Ms. Lawrence a settlement demand for \$100,000. Ms. Lawrence did not forward the settlement offer to Ms. Jones, and instead summarily rejected it.

Three months prior to trial, Ms. Jones was speaking about the case with a relative. The relative told her that word in town was that Ms. Lawrence, never a highly competent lawyer, had completely fallen off a cliff and was rumored to be an alcoholic. Ms. Jones decided that it was time to consider finding another lawyer. She met with attorney Ashley Elizabeth Hawkins. Ms. Hawkins reviewed the court file and transcripts and told Ms. Jones that she needed to fire Ms. Lawrence immediately. Ms. Jones provided Ms. Hawkins with authority to do so. Ms. Hawkins sent a fax to Ms. Lawrence advising that she was terminated and requesting Ms. Jones' file materials. Ms. Hawkins forwarded a proposed order of substitution of counsel but did not receive Ms. Jones' file or confirmation that she could sign Ms. Lawrence's name by permission. Ms. Hawkins filed a motion to substitute counsel, which was granted. Ms. Hawkins contemporaneously filed a motion to amend the court's scheduling order, but this was denied. Ms. Hawkins contacted Ms. Graham, and a settlement was reached for \$75,000. Ms. Hawkins referred Ms. Jones to other counsel for filing of a legal malpractice action. At Ms. Hawkins suggestion, Ms. Jones also filed her disciplinary complaint with the Board.