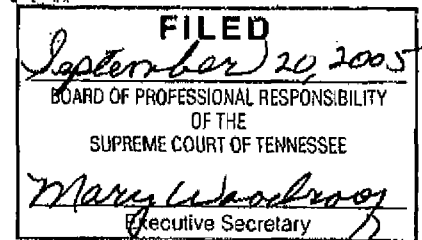


**IN DISCIPLINARY DISTRICT IX
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**



IN RE: ALAN L. PYRON,
 BPR #022547, Respondent,
 An Attorney Licensed to
 Practice Law in Tennessee
 (Shelby County)

DOCKET NO. 2005P-1504-9-LC

FINDINGS AND JUDGMENT OF HEARING PANEL

This matter came on to be heard this 30th day of August, 2005. Based upon the testimony of Beverly Taylor and Victoria Jones, the arguments of disciplinary counsel, the documents submitted in this cause, and the entire record herein, the findings and judgment of this hearing panel are as follows:

1. The Petition for Discipline was filed in this cause on March 31, 2005, and served by mailing a copy by certified mail and regular mail to the Respondent at 3400 Democrat Road, Suite 100, Bartlett, TN 38118. No answer to the Petition for Discipline was filed by Respondent or served on disciplinary counsel. On May 4, 2005, disciplinary counsel filed a Motion for Default Judgment. An Order Granting Motion for Default Judgment ("Order of Default Judgment") as to the allegations in the Petition for Discipline and setting the matter for a hearing as to the appropriate penalty on August 30, 2005 ("Notice of Hearing") was entered by the hearing panel on August 16, 2005. The Order of Default Judgment and Notice of Hearing were mailed to Respondent at the Democrat Road address and at his home address.

2. The allegations against the Respondent as set forth in the Petition for Discipline have been deemed admitted by the Order of Default Judgment. The admitted allegations in the Petition for Discipline include the following: The Respondent took complainant Victoria Jones' accident case on a contingency basis and when, after three attempts to obtain pain medication from complainant were unsuccessful, Respondent dropped her case in violation of Rules 1.3; 1.4; 1.16 and 8.4(a)(c)(d) of the Tennessee Rules of Professional Conduct.

3. The admitted allegations in the Petition for Discipline also include the following: Respondent helped his client obtain \$22,389.00 from complainant Beverly Taylor in an investment scheme whereby complainant loaned money, wired to Respondent and to Respondent's trust account, to Respondent's client, whom he identified as "James Smith." Ms. Taylor has not been repaid, and Respondent has failed to produce the loan agreement or his trust account records as requested by disciplinary counsel, all in violations of Rules 1.3; 1.4; 1.15; 8.1(b) and 8.4(a)(b)(c)(d) of the Tennessee Rules of Professional Conduct.

According to the testimony of Ms. Taylor, the man named James Smith was in prison, and Respondent said that he knew Smith by another name but would not disclose that name to Ms. Taylor. Ms. Taylor's brother was in prison with "Smith." Respondent contacted Ms. Taylor to say that he held a locked box owned by Smith which contained cash and that Smith needed money but did not want the box opened until he was released from prison and could be present when the box was opened. Ms. Taylor was asked to take possession of the box and one key to the box, with Respondent holding the other key. Respondent prepared a contract for Ms. Taylor's services and sent it to Ms. Taylor. According to this contract, a copy of which was introduced in evidence at the hearing, Ms. Taylor was to be paid \$50 an hour for her services in connection with caring for the box. Ms. Taylor signed the contract and took possession of the

box. In more than one transfer, Ms. Taylor sent a total of \$22,389 to Respondent's trust account for Smith. Ms. Taylor eventually became suspicious and had the box cut open, finding one-dollar bills wrapped around pieces of newspaper. The money in the box was much less than the amount she had wired to Respondent. Despite a number of requests to Respondent for the return of her money and for the true identity of James Smith, Respondent refused to repay the funds or disclose his client's identity.

4. Neither Respondent nor Respondent's representative appeared at the hearing.

5. In determining the appropriate sanction, the panel considered the 1991 edition of Standards for Imposing Lawyer Sanctions (the "Standards") which were adopted by the Board of Professional Responsibility of the Supreme Court of Tennessee for recommendation to its hearing committees in September of 1986. Under these standards, disbarment is generally appropriate when a lawyer engages in any "intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice." Standards, Section 5.11.

The panel also considered mitigating and aggravating factors as prescribed by the Standards, and finds the following aggravating factors in this matter:

- (a) Dishonest and selfish motive;
- (b) Failure to acknowledge the wrongful nature of his conduct;
- (c) Engaging in a pattern of misconduct; and
- (d) Engaging in bad faith obstruction of disciplinary proceedings by

intentionally failing to provide trust account records to the Board of Professional Responsibility.

The hearing panel also found the following mitigating factors:

- (a) Absence of a prior disciplinary record; and

(b) Inexperience in the practice of law.

6. The hearing panel finds that the Respondent's admitted conduct involves dishonesty, fraud, deceit or misrepresentation and that Respondent has shown no remorse or acknowledgment of wrongdoing, as evidenced by his failure to respond to the Petition for Discipline or to appear at the hearing. The hearing panel therefore finds that disbarment is the appropriate sanction, with complete restitution to Ms. Taylor in the amount of \$22,389.00, plus pre- and post-judgment interest, as a condition for reinstatement.

B. J. Wade by LAK w/
B. J. Wade, Esq., Chair *permission*

John D. Blaylock by LAK w/
John D. Blaylock, Esq., Panel Member *permission*

Lisa A. Krupicka
Lisa A. Krupicka, Esq., Panel Member