

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

IN RE: **CONNIE LYNN REGULI**, Respondent
BPR No. 16867, An Attorney
Licensed to Practice Law
in Tennessee
(Williamson County)

Docket No.: 2009-1804-6-KH

JUDGMENT OF THE HEARING PANEL

This matter came on to be heard on February 8 and 9, 2010, before a duly appointed Hearing Panel. Present before the Hearing Panel were Krisann Hodges, Disciplinary Counsel for the Tennessee Board of Professional Responsibility and Connie Reguli, Respondent, representing herself. Upon the pleadings filed in this cause, the testimony and evidence presented, statements of counsel, and the entire record in this cause, the Hearing Panel finds as follows:

Cowan Complaint File No. 31154-6-DB

The Hearing Panel heard the testimony of witnesses and reviewed the exhibits entered into evidence. The Hearing Panel observed the demeanor of the witnesses, and credits the Respondent's testimony as to the events surrounding the return of the client's file. The Panel finds no violation of Rules of Professional Conduct ("RPC") 1.3, 1.15, 1.16 and 8.4(a) & (d), as alleged.

Burns Complaint File No.: 30310c-6-DB

The Hearing Panel heard the testimony of witnesses and reviewed the exhibits entered into evidence. The Hearing Panel observed the demeanor of the witnesses, and credits the Respondent's testimony and the testimony of the Respondent's employee as to the matters in the complaint. Further, the Panel notes that it appears to be the practice of the Williamson County Juvenile Court to prepare its own orders, but not certify a copy of same to the parties, or their counsel, making it extremely difficult to ascertain when and/or if the order was ever mailed to the parties or their counsel. The panel finds no violation of RPC 1.3, 1.4 and 8.4(a) & (d), as alleged.

Bloodgood Complaint File No.: 31101-6-DB

The Hearing Panel heard the testimony of witnesses and reviewed the exhibits entered into evidence. The Hearing Panel observed the demeanor of the witnesses, and credits the Respondent's testimony as to the matters in the complaint. The Panel specifically discounts the testimony of Ms. Bloodgood and finds same untrustworthy. The Panel finds no violation of RPC 1.3, 1.4, 1.7, 3.4 and 8.4(a) & (d), as alleged.

Amezcu Complaint File No. 31462-6-DB

The Hearing Panel heard the testimony of witnesses and reviewed the exhibits entered into evidence. The Hearing Panel observed the demeanor of the witnesses, and credits the Respondent's testimony as to the matters in the complaint. The Panel notes that the alleged acts occurred before

the implementation of the Model Rules of Professional Conduct, but finds no violation of the then existing disciplinary rules, and no violation of RPC 1.4, 1.5, 1.7, 1.8, 1.15, 1.16(d), 2.4, 5.7 and 8.4(a) & (d), as alleged.

McClendon Complaint File No. 31155-6-DB

The Hearing Panel heard the testimony of witnesses and reviewed the exhibits entered into evidence. The Hearing Panel observed the demeanor of the witnesses, and credits the Respondent's testimony as to the matters in the complaint. The Panel notes that, while the Respondent's pleadings in the matter at issue may have been inartfully drafted, it does not rise to the level of a disciplinary rule violation. The Panel finds no violation of RPC 3.3(a) and 8.4(a), (c) & (d), as alleged.

Ross Complaint File No. 31990-6-NJ

The Hearing Panel heard the testimony of witnesses and reviewed the exhibits entered into evidence. The Hearing Panel observed the demeanor of the witnesses, and credits the Respondent's testimony. The Panel finds the Board's reliance on Board Exhibit 27, the order of the Federal District Court for the Middle District of Tennessee, is not enough to find a violation of the disciplinary rules alleged. The Panel finds no violation of RPC 1.1, 3.1, 8.2 and 8.4, as alleged.

Ross Complaint File No. 30891-6-DB

The Hearing Panel heard the testimony of witnesses and reviewed the exhibits entered into evidence. The Hearing Panel observed the demeanor of the witnesses. The Panel notes that the

Respondent accepted responsibility for the language that she used in her appellate brief, and stated that, regardless of her personal feelings, such language should not be used, and would not be used again. The Panel notes that the Respondent has appeared before the appellate court many times without similar issues arising. However, the Panel agrees with the Court of Appeals in its description of the assertions in said brief as “impertinent and unprofessional.” The Panel finds no violation of RPC 1.4, 3.4 and 8.4 (b) & (d), as alleged. The Panel does find, by a preponderance of the evidence, that the Respondent violated RPC 8.2 and 8.4(a), as alleged.

The Panel has reviewed the ABA Standards to determine the appropriate sanction, pursuant to Section 8.4, Rule 9, of the Rules of the Supreme Court. The Panel finds that no ABA Standard directly applies to the Respondent’s action, but that ABA Standard 6.13 is most applicable in this case, in that reprimand is generally appropriate when a lawyer is negligent either in determining whether statements or documents are false, or in taking remedial action when material information is being withheld, and causes injury or potential injury to a party to the legal proceeding, or causes an adverse or potentially adverse effect on the legal proceeding.

As aggravating factors, the Panel finds that the Respondent has substantial experience in the practice of law. As mitigating factors, the Panel finds that the Respondent has an absence of a prior disciplinary record, and was remorseful.

Accordingly, the Panel finds a public reprimand is the appropriate sanction in this case.

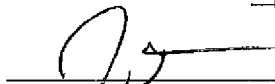
JUDGMENT

Based upon the findings of fact and conclusions of law cited above, the Panel orders the following:

1. Cowan Complaint File No. 31154-6-DB, the Burns Complaint File No. 30310c-6-DB, the Bloodgood Complaint File No. 31101-6-DB, the Amezcua Complaint File No. 31462-6-DB, the McClendon Complaint File No. 31155-6-DB and the Ross Complaint File No. 31990-6-NJ, are all hereby dismissed.

2. Regarding the Ross Complaint File No. 30891-6-DB, Respondent shall be publicly reprimanded, and pay the costs of the cause.

SO ORDERED this 11th day of February, 2010.



JACKIE LYNN GARTON, ESQ.
PANEL CHAIR



CAROL MATHIS JOINER, ESQ.
PANEL MEMBER



CHRISTOPHER JOEL PITTMAN, ESQ.
PANEL MEMBER