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IN THE DISCIPLINARY BOARD HEARING PANEL, DISTRICT VI OF PROFESSIONAL RESPONSIBILITY  
THE BOARD OF PROFESSIONAL RESPONSIBILITY OF THE  
SUPREME COURT OF THE STATE OF TENNESSEE

*Rut* EXEC. SEC.

IN RE: CONNIE LYNN REGULI,  
BPR Number 16867,  
RESPONDENT.

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)  
)

No. 2012-2193-6-SG

FINDINGS OF FACT AND CONCLUSIONS OF LAW OF THE  
HEARING PANEL

This matter came on to be heard on the 13<sup>th</sup> day of November, 2013, before the Hearing Panel tasked with hearing a Petition for Discipline filed against the Respondent by the Board on the 7<sup>th</sup> of July, 2012.

The Panel, having heard the evidence and viewed sworn exhibits introduced by Disciplinary Counsel for the Board and the Respondent Reguli, arguments of the Respondent and Counsel for the Board, and the whole record finds that the Respondent committed certain violations of the Rules of Professional Conduct as set forth in the following paragraph and recommends that she be suspended from the practice of law and placed on probation.

I.

**AUTHORITY OF BOARD**

The Tennessee Supreme Court has inherent authority to license and regulate attorneys who practice law in this state. *Smith Cnty. Educ. Ass'n v. Anderson*, 676 S.W.2d 328, 333 (Tenn.1984). It can make rules to implement this authority. *Petition of Tenn. Bar Ass'n*, 539 S.W.2d 805, 807 (Tenn.1976). Tennessee Supreme Court Rule 8 establishes the ethical rules to which attorneys must adhere and Rule 9 establishes the mechanism by which the ethical rules are enforced. Rule 9, section 5 creates the Board of Professional Responsibility. Tenn. Sup.Ct. R. 9, § 5. The Board derives all of its powers and functions from the Supreme Court. *Doe v. Bd. of Prof'l Responsibility*, 104 S.W.3d 465, 472 (Tenn.2003). The Board is an agent of the Supreme Court. *Id. Moncier v. Bd. of Prof'l Responsibility of Supreme Court of Tennessee*, M2012-00779-COA-R3CV, 2013 WL 2490576 (Tenn. Ct. App. June 6, 2013).

II.

**FILE NUMBER 34614-6-BM - Complaint of Robert Lee Castleman**

**FINDINGS OF FACT**

Ms. Reguli, the Respondent, is an attorney admitted by the Tennessee Supreme Court to practice law in the State of Tennessee. Respondent's office address is 1646 Westgate Circle, Suite 101, Brentwood, Tennessee, in Williamson County and Disciplinary District VI.

Ms. Reguli entered into a contract with Mr. Robert Castleman on approximately July 21, 2011 to represent him in his divorce, pursuant to which he paid her a \$10,000 retainer. We are convinced that Mr. Castleman could be a difficult client. They fell out fairly quickly.

Mr. Castleman sought to discharge Ms. Reguli and requested an accounting of fees earned. He claimed that Ms. Reguli refused to account to him and kept the retainer. The Disciplinary counsel requested the accounting and received no response from Ms. Reguli. At hearing Ms. Reguli produced an accounting which she says was sent to Castleman. We find that highly unlikely, moreover, we find that she refused to comply with the Board's request for the accounting and that indicates there was no accounting to produce. Furthermore, we specifically find that in this case that some seven thousand dollars of the fee which she retained was unreasonable for the work provided under the circumstances.

#### CONCLUSIONS OF LAW

The acts and omissions of Ms. Reguli as set forth in Paragraphs 5 through 14 constitute ethical misconduct in violation of Tennessee Rules of Professional Conduct, Rules 1.4 (a)(4) and (b).

The acts and omissions of Ms. Reguli as set forth in Paragraphs 5 through 14 constitute ethical misconduct in violation of Tennessee Rules of Professional Conduct 1.5 (f).

The acts and omissions of Ms. Reguli as set forth in Paragraphs 5 through 14 constitute ethical misconduct in violation of Tennessee Rules of Professional Conduct 1.16 (d)(4) and (6).

The acts and omissions of Ms. Reguli as set forth in Paragraphs 5 through 14 constitute ethical misconduct in violation of Tennessee Rules of Professional Conduct 8.1 (b).

The acts and omissions of Ms. Reguli as set forth in Paragraphs 5 through 14 constitute ethical misconduct in violation of Tennessee Rules of Professional Conduct 8.4 (a) and (d).

## II.

**FILE NUMBER 34634-6-BM - Complaint of David Johnson, Esq.**

### **FINDINGS OF FACT**

Mr. David Johnson complains that Ms. Reguli misrepresented her certifications as a specialist. Her website did list her "Certification/Specialties:" as "Family Law and Divorce". Ms. Reguli's response dated November 4, 2011, was received by the board.

The Respondent Reguli's website:

*<http://www.tennfamilylaw.com/Bio/ConnieReguli.asp>, as of November 1, 2011, stated "Certification/Specialties: Family Law... Divorce."*

Accessed as of November 1, 2011.

Ms. Reguli's website was incorrect and misleading since Ms. Reguli was not certified by the Tennessee Commission on Continuing Legal Education and Specialization as a family law specialist as stated on her website. She rejoins that she

had been at that time recently diagnosed with cancer and was undergoing chemotherapy, which we found to be mitigating.

### CONCLUSIONS OF LAW

The acts and omissions of Ms. Reguli as set forth in the Johnson complaint constitute ethical misconduct in violation of Tennessee Rules of Professional Conduct, Rule 7.4(b).

The hearing committee is reminded of the warning issued by Justice Powell in

Bates:

"I am apprehensive, despite the Court's expressed intent to proceed cautiously, that today's holding will be viewed by tens of thousands of lawyers as an invitation - by the public-spirited and the selfish lawyers alike - to engage in competitive advertising on an escalating basis. Some lawyers may gain temporary advantages; others will suffer from the economic power of stronger lawyers, or by the subtle deceit of less scrupulous lawyers. Some members of the public may [433 U.S. 350, 404] benefit marginally, but the risk is that many others will be victimized by simplistic price advertising of professional services "almost infinite [in] variety and nature . . ." Virginia Pharmacy Board, 425 U.S., at 773 n. 25. Until today, in the long history of the legal profession, it was not thought that this risk of public deception was required by the marginal First Amendment interests asserted by the Court. Justice Powell, dissenting in Bates v. State Bar of Arizona, , 433 U.S. 350 (1977).

### III.

FILE NUMBER 34152-6-BM - Complaint of Janson Pope

### FINDINGS OF FACT

Ms. Reguli represented Sayuri Pope, the ex-wife of the Complainant, Janson Pope.

Ms. Reguli represented Sayuri Pope in her divorce from Janson Pope in the Davidson County Circuit Court.

At a July 15, 2010, hearing on Mr. Pope's Petition for Contempt, the Court denied the Petition for Contempt but awarded Mr. Pope a judgment of \$4,500.00.

Several Orders were submitted to the Court after the hearing by Counsel for the Husband and Ms. Reguli submitted proposed Orders to the Court which did not reflect the Court's award of \$4,500.00 to Mr. Pope.

On September 10, 2010, the Court entered its Order on Contempt, proposed by Ms. Reguli, which did not reflect the award of \$4,500.00 to Mr. Pope.

Mr. Pope, through counsel, filed a Motion for Rule 59 Relief regarding the September 10, 2010 Order to which Ms. Reguli filed a Response.

After a December 10, 2010 hearing, on Mr. Pope's Motion for Rule 59 Relief, the Court filed an Order on January 7, 2011 granting the Motion for Rule 59 Relief. An Amended Order was filed December 10, 2010 and granting a \$1,000 judgment to Mr. Pope for attorney's fees for the Rule 59 Motion.

We find that there was insufficient proof to justify this charge.

#### **CONCLUSIONS OF LAW**

The acts and omissions of Ms. Reguli did not constitute ethical misconduct in violation of Rules 8.4 (a) and (d).

#### **JUDGEMENT OF HEARING PANEL**

Ms. Reguli violated the Tennessee Rules of Professional Conduct as found above.

She is a recidivist violator. We further find that her cancer and period of chemotherapy during the events is a mitigating factor.

We find that she should be suspended from the practice for eleven months and twenty nine days and that she be placed on probation.

#### AGGRAVATING CIRCUMSTANCES

1. Ms. Reguli's prior discipline of a public censure on April 12, 2011, is an aggravating factor justifying an increase in the discipline to be imposed. (pled by Disciplinary Counsel).
2. Bad faith by Failure to respond to request for information by Board. (found by hearing panel).
3. Dishonest or selfish motive. (found by hearing panel).
4. Refusal to recognize wrongful nature of conduct. (found by hearing panel).
5. Substantial experience in the practice of law. (found by hearing panel).

#### ABA STANDARDS

In making this decision the hearing panel has considered the following:

*American Bar Association, Standards for Imposing Lawyer Sanctions.*

##### 3.0 Generally

In imposing a sanction after a finding of lawyer misconduct, a court should consider the following factors:

- (a) the duty violated;
- (b) the lawyer's mental state;
- (c) the potential or actual injury caused by the lawyer's misconduct; and

(d) the existence of aggravating or mitigating factors.

#### CONDITIONS OF PROBATION

We find that Ms. Reguli should be required to have a probation monitor pursuant Rule 9, Sec. 8.5 and that the Board or its agent shall designate this monitor. The monitor may be a practice monitor as well.

The hearing panel saw evidence that Ms. Reguli may have emotional problems as a result of the events about which we have heard and we find that she should have an assessment of her emotional state and seek and complete counseling for any emotional issues. She has family responsibilities which may bear on these.

#### RESTITUTION

We do not find that "damages" in the sense used by civil actions are called for by the Rules. We do not find restitution to be applicable.

#### COSTS

Respondent shall be assessed costs payable to the Board within 180 days of the date of this Finding and Conclusions.

ENTER, THIS THE 18<sup>th</sup> DAY OF November, 2013

  
\_\_\_\_\_  
JOSEPH D. BAUGH  
HEARING PANEL CHAIRMAN



KIRK VANDIVORT  
By Permission

KIRK VANDIVORT  
HEARING PANEL

SAMUEL B. GARNER  
By Permission

SAMUEL B. GARNER  
HEARING PANEL

**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.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 16<sup>th</sup> day of November 2013, a true and correct copy of the foregoing was mailed, postage prepaid and sent by electronic mail addressed as follows:

Rita Webb  
Executive Secretary  
BOARD OF PROFESSIONAL RESPONSIBILITY  
OF THE SUPREME COURT  
OF THE STATE OF TENNESSEE  
16 Cadillac Drive, Suite 220  
Brentwood, Tennessee 37027

  
JOSEPH D. BAUGH

FILED

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BOARD OF PROFESSIONAL  
RESPONSIBILITY

IN THE DISCIPLINARY BOARD HEARING PANEL, DISTRICT VI, OF  
THE BOARD OF PROFESSIONAL RESPONSIBILITY OF THE  
SUPREME COURT OF THE STATE OF TENNESSEE

IN RE: CONNIE LYNN REGULI, )  
BPR Number 16867, ) No. 2012-2193-6-SG  
RESPONDENT. )  
)  
)  
)

AMENDED FINDINGS OF FACT AND CONCLUSIONS OF LAW OF  
THE HEARING PANEL

This matter came on to be further considered on the 27<sup>th</sup> day of December, 2013,  
upon the Board's Motion to Alter or Amend the Findings of Fact and Conclusions of  
Law previously returned by the Hearing Panel.

The Panel, having considered the Motion and the response by Ms. Reguli,  
amends its previous Findings and Conclusions and finds that the Respondent  
committed certain violations of the Rules of Professional Conduct as set forth in the  
following paragraphs and recommends that she be suspended from the practice of law  
and placed on probation under the conditions set forth below.

I.

AUTHORITY OF BOARD

The Tennessee Supreme Court has inherent authority to license and regulate  
attorneys who practice law in this state. *Smith Cnty. Educ. Ass'n v. Anderson*, 676 S.W.2d

328, 333 (Tenn.1984). It can make rules to implement this authority. *Petition of Tenn. Bar Ass'n*, 539 S.W.2d 805, 807 (Tenn.1976). Tennessee Supreme Court Rule 8 establishes the ethical rules to which attorneys must adhere and Rule 9 establishes the mechanism by which the ethical rules are enforced. Rule 9, section 5 creates the Board of Professional Responsibility. Tenn. Sup.Ct. R. 9, § 5. The Board derives all of its powers and functions from the Supreme Court. *Doe v. Bd. of Prof'l Responsibility*, 104 S.W.3d 465, 472 (Tenn.2003). The Board is an agent of the Supreme Court. *Id. Moncier v. Bd. of Prof'l Responsibility of Supreme Court of Tennessee*, M2012-00779-COA-R3CV, 2013 WL 2490576 (Tenn. Ct. App. June 6, 2013).

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Mr. Castleman sought to discharge Ms. Reguli and requested an accounting of fees earned. He claimed that Ms. Reguli refused to account to him and kept the retainer. The Disciplinary counsel requested the accounting and received no response from Ms. Reguli. At hearing Ms. Reguli produced an accounting which she says was sent to Castleman. We find that highly unlikely, moreover, we find that she refused to comply with the Board's request for the accounting and that indicates there was no accounting to produce. Furthermore, we specifically find that in this case that some seven thousand dollars of the fee which she retained was unreasonable for the work provided under the circumstances.

#### CONCLUSIONS OF LAW

The acts and omissions of Ms. Reguli as set forth in Paragraphs 5 through 14 constitute ethical misconduct in violation of Tennessee Rules of Professional Conduct, Rules 1.4 (a)(4) and (b).

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### III.

**FILE NUMBER 34634-6-BM - Complaint of David Johnson, Esq.**

#### **FINDINGS OF FACT**

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Ms. Reguli's website was incorrect and misleading since Mr. Reguli was not certified by the Tennessee Commission on Continuing Legal Education and Specialization as a family law specialist as stated on her website. She rejoins that she had been at that time recently diagnosed with cancer and was undergoing chemotherapy, which we found to be mitigating.

## CONCLUSIONS OF LAW

The acts and omissions of Ms. Reguli as set forth in the Johnson complaint constitute ethical misconduct in violation of Tennessee Rules of Professional Conduct, Rule 7.4(b).

The hearing committee is reminded of the warning issued by Justice Powell in

Bates:

"I am apprehensive, despite the Court's expressed intent to proceed cautiously, that today's holding will be viewed by tens of thousands of lawyers as an invitation - by the public-spirited and the selfish lawyers alike - to engage in competitive advertising on an escalating basis. Some lawyers may gain temporary advantages; others will suffer from the economic power of stronger lawyers, or by the subtle deceit of less scrupulous lawyers. Some members of the public may [433 U.S. 350, 404] benefit marginally, but the risk is that many others will be victimized by simplistic price advertising of professional services "almost infinite [in] variety and nature . . ." Virginia Pharmacy Board, 425 U.S., at 773 n. 25. Until today, in the long history of the legal profession, it was not thought that this risk of public deception was required by the marginal First Amendment interests asserted by the Court. Justice Powell, dissenting in Bates v. State Bar of Arizona, , 433 U.S. 350 (1977).

## IV.

FILE NUMBER 34152-6-BM – Complaint of Janson Pope

### FINDINGS OF FACT

Ms. Reguli represented Sayuri Pope, the ex-wife of the Complainant, Janson Pope.

Ms. Reguli represented Sayuri Pope in her divorce from Janson Pope in the Davidson County Circuit Court.

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We find that there was insufficient proof to justify this charge.

#### **CONCLUSIONS OF LAW**

The acts and omissions of Ms. Reguli did not constitute ethical misconduct in violation of Rules 8.4 (a) and (d).

#### **V.**

#### **AMENDED JUDGEMENT OF HEARING PANEL**

Ms. Reguli violated the Tennessee Rules of Professional Conduct as found above. When licensed as an attorney of this State she took an oath "that (she) will truly and

honestly demean (herself) in the practice of (her) profession to the best of (her) skill and abilities". *Tennessee Supreme Court Rules, Rule 6.*

We find that she has breached this oath. She is a recidivist violator.

**VI.  
AGGRAVATING CIRCUMSTANCES**

The Panel found the following aggravating circumstances:

1. Ms. Reguli's prior discipline of a public censure on April 12, 2011, is an aggravating factor justifying an increase in the discipline to be imposed. (pled by Disciplinary Counsel).
2. Bad faith by Failure to respond to request for information by Board. (found by hearing panel).
3. Dishonest or selfish motive. (found by hearing panel).
4. Refusal to recognize wrongful nature of conduct. (found by hearing panel).
5. Substantial experience in the practice of law. (found by hearing panel).

**VII.  
MITIGATING CIRCUMSTANCES**

We find that her cancer and period of chemotherapy during the events considered is a mitigating factor.



## VIII.

### JUDGMENT

We find that she should be suspended from the practice for eleven months and twenty nine days and that she be placed on probation under the conditions set forth hereunder.

## IX.

### ABA STANDARDS

In making this decision the hearing panel has considered the following:

*American Bar Association, Standards for Imposing Lawyer Sanctions.*

#### 3.0 Generally

In imposing a sanction after a finding of lawyer misconduct, a court should consider the following factors:

- (a) the duty violated;
- (b) the lawyer's mental state;
- (c) the potential or actual injury caused by the lawyer's misconduct; and
- (d) the existence of aggravating or mitigating factors.

As to these *ABA Standards* it is our belief that this Finding and Memorandum sufficiently addresses all these standards comprehensively without cataloguing them on a standard by standard basis.

## X.

### CONDITIONS OF PROBATION

#### A. MONITOR

We find that Ms. Reguli should be required to obtain and employ a probation monitor pursuant *Tennessee Supreme Court, Rule 9, Sec. 8.5* and that the Board or its

agent shall designate this monitor. The probation monitor shall be selected by the Board from a list of three (3) candidates provided by Ms. Reguli. The candidates shall be attorneys licensed to practice law in this State and whose licenses to practice of law are in good standing and that the monitor cannot have practiced with her or represented her in any capacity. In the event that the Board, in its sole discretion, determines that none of the proposed probation monitors is acceptable, the Board shall designate a practice monitor.

During the period of probation, Ms. Reguli will be required to contract with her monitor to meet with her on a monthly basis to review Ms. Reguli's billing practices which includes a review of her fee agreement and a review of any refunds due to clients in cases where there has been a termination of services or a conclusion of the representation. The probation monitor shall be apprised by Ms. Reguli of any complaint by attorneys or judges as to pleadings drafted by Ms. Reguli during the previous period.

The probation monitor shall be required by contract with Ms. Reguli to send monthly reports to Disciplinary Counsel summarizing Ms. Reguli's compliance with the monitor's review. The probation monitor need not provide identifying client information in the monthly reports, with the exception that the monitor must report potential violations of the Rules of Professional Conduct with enough specificity for investigation by the Board.

**B. TLAP**

The hearing panel saw evidence that Ms. Reguli may have emotional adjustments as a result of life events about which we have heard, she has family responsibilities which may bear on these, as a result, we find that Ms. Reguli should participate in an evaluation by the Tennessee Lawyer's Assistance Program (TLAP) and comply with any monitoring agreement which TLAP deems necessary in coordination with her probation monitor.

**XI.**

**RESTITUTION**

We do not find that "damages" in the sense used by civil actions are called for by the Rules. We do not find restitution to be applicable.

**XII.**

**COSTS**

Respondent shall be assessed costs payable to the Board within 180 days of the date of this Finding and Conclusions.

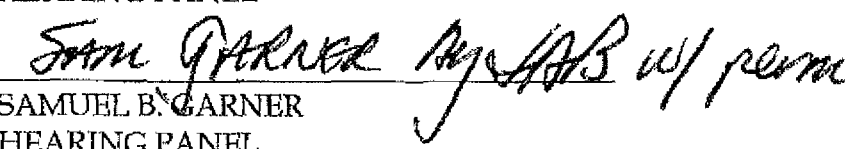
ENTER, this the <sup>27<sup>th</sup></sup> day of December, 2013



JOSEPH D. BAUGH  
HEARING PANEL CHAIRMAN



KIRK VANDIVORT  
HEARING PANEL



SAMUEL B. GARNER  
HEARING PANEL

**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.

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on the 27<sup>th</sup> day of December, 2013, a true and correct copy of the foregoing was mailed, postage prepaid and sent by electronic mail addressed as follows:

Rita Webb  
Executive Secretary  
BOARD OF PROFESSIONAL RESPONSIBILITY  
OF THE SUPREME COURT  
OF THE STATE OF TENNESSEE  
16 Cadillac Drive, Suite 220  
Brentwood, Tennessee 37027

  
\_\_\_\_\_  
JOSEPH D. BAUGH