

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

IN RE: KEISHA MOSES RICHARDSON
BPR No. 26492, Respondent,
an Attorney Licensed to Practice
Law in Tennessee
(Shelby County)

DOCKET NO. 2016-2662-9-AJ

OPINION AND ORDER ON PETITIONS FOR DISCIPLINE

The Board of Professional Responsibility (“BPR” or “Board”) appointed a panel to hear this matter, composed of Andre C. Wharton, Les Jones and Russell W. Savory (“Panel”). Following multiple Case Management Conferences, the Petition, Supplemental Petition and Second Supplemental Petition were set for a hearing on October 22, 2020. The Panel heard the matter on that date in the Supreme Court Room of the Shelby County Courthouse. Based on testimony of the witness, the documentary evidence, the statements of counsel and the record as a whole, the Panel makes the following findings of fact and conclusions of law.

FINDINGS OF FACT

1. Respondent was admitted to practice law in the state of Tennessee in 2007.
2. The Petition was filed on November 28, 2016, and an Answer to the Petition was filed by counsel for the Respondent. The Supplemental Petition was filed on May 2, 2018. The Second Supplemental Petition was filed on August 1, 2018. Answers were not filed to the two Supplemental Petitions, and Orders of Default were entered deeming all of the facts set out therein to be admitted.

3. With regard to the complaint of Lenal Sulton (File No. 45228-9-KB), the proof showed that Mr. Sulton paid Respondent a retainer of \$2,500.00 in October, 2014 to represent him in an employment discrimination case. Mr. Sulton testified that after meeting with Respondent she agreed to file a complaint with the Equal Employment Opportunity Commission ("EEOC"). In March, 2015 Mr. Sulton became frustrated that Respondent had not filed the complaint, so he went to the EEOC office, met with staff there and filed it on his own. Respondent then sent a letter to Mr. Sulton's employer putting it on notice of his claim and requesting that the employer take precautions to preserve any relevant evidence that may exist. The attorney-client relationship was terminated on November 20, 2015. No proof was presented by Respondent regarding the time that she spent working on Mr. Sulton's case. The Panel finds that Respondent did not earn the \$2,500 retainer that she kept.

4. With regard to the two complaints set out in the Supplemental Petition for Discipline (File Nos. 47501C-9-KB and 54196-9-KB), the facts contained therein are incorporated into this Opinion and Order by reference.

5. With regard to the three complaints set out in the Second Supplemental Petition for Discipline (File Nos. 49451C-9-KB, 55546-9-KB, and 55042C-9-KB), the facts contained therein are incorporated into this Opinion and Order by reference.

6. Counsel for Respondent presented a letter from a counselor indicating that Respondent was having personal and emotional difficulties. The Panel afforded Respondent a period of thirty days from the hearing date to apply for disability inactive status, but she has not done so.

CONCLUSIONS OF LAW

7. No proof was presented with regard to the complaint of Darrell and Monique Davis (File No. 44258-9-KB) in the original Petition for Discipline. Therefore, those charges are dismissed.

8. As to the complaint of Lenal Sulton (File No. 45228-9-KB), the Panel finds by a preponderance of the evidence that Respondent violated Rule 1.5 of the Tennessee Rules of Professional Conduct (Fees) by collecting an unreasonable fee for the services actually provided.

9. With regard to the charges set out in the Supplemental Petition, the Panel finds that Respondent violated the following Tennessee Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 1.16(d) (Declining or Terminating Representation), 8.1 (Bar Admission and Disciplinary Matters), and 8.4 (Misconduct).

10. With regard to the charges set out in the Second Supplemental Petition, the Panel finds that Respondent violated the following Tennessee Rules of Professional Conduct: 1.3 (Diligence), 1.4 (Communication), 1.5 (Fees), 1.16(d) (Declining or Terminating Representation), 3.2 (Expediting Litigation), 3.4 (Fairness to Opposing Party and Counsel), 5.5 (Unauthorized Practice of Law), 8.1 (Bar Admission and Disciplinary Matters), and 8.4 (Misconduct).

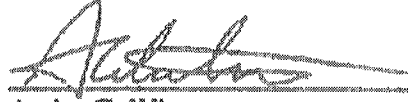
11. In determining the imposition of discipline, the Panel has considered the American Bar Association Standards for Imposing Lawyer Sanctions. The Panel finds that with regard to the Petition for Discipline filed on November 28, 2016 the following aggravating factor applies: Respondent's substantial experience in the practice of law, having been licensed since 2007. With regard to the Supplemental and Second Supplemental Petitions, Orders of Default having been entered deeming the matters therein to be admitted, the Panel finds that the

aggravating factors set out in those Petitions are applicable. The Panel finds that Respondent's personal or emotional problems are a mitigating factor.

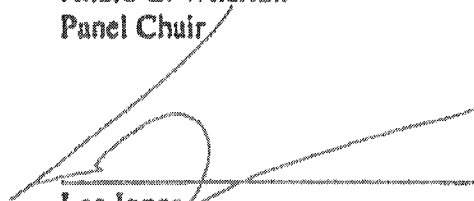
12. Based on a review of the evidence adduced at the hearing, the facts deemed admitted in the Supplemental and Second Supplemental Petitions for Discipline, the aggravating and mitigating factors set out above, and the ABA Standards for Imposing Lawyer Sanctions, the Panel finds that Respondent should be suspended from the practice of law for a period of two years, retroactive to the date of any temporary suspension that is now in place. The Panel further finds that Respondent be ordered make restitution to Lenal Sulton in the amount of \$2,500.00, to Evone Taylor in the amount of \$5,033.33, and to Richard Dickerson in the amount of \$2,500.00. The Panel further finds that Respondent be ordered to pay the costs incurred by the Board in these proceedings. Finally, the panel recommends that in the event Respondent seeks to be reinstated that she be required to enter into a Monitoring Agreement with the Tennessee Lawyer's Assistance Program for a period of one (1) year, with the Board designated as a reporting agent.

IT IS, THEREFORE, ORDERED that Keisha Moses Richardson be suspended from the practice of law for a period of two years retroactive to the date of any currently pending temporary suspension, that she make restitution to Lenal Sulton in the amount of \$2,500.00, to Evone Taylor in the amount of \$5,033.33, and to Richard Dickerson in the amount of \$2,500.00, and that she pay the costs incurred by the Board in these proceedings. The Board shall file its application for these costs within ten (10) days of entry of this Order, and Respondent shall have five (5) days thereafter to file an objection to the amount of the costs that are sought.

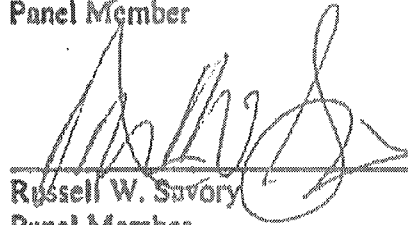
This Order may be appealed pursuant to Section 33, Rule 9, of the Rules of the Supreme Court of Tennessee.



Andre C. Wharton
Panel Chair



Les Jones
Panel Member



Russell W. Savory
Panel Member

12/10/2020

Date