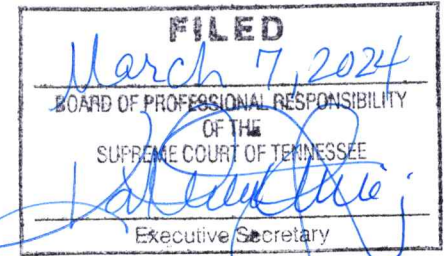


**IN DISCIPLINARY DISTRICT II
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**



IN RE: CHRISTOPHER SHAWN ROBERTS, DOCKET NO. 2023-3344-2-DB
BPR No. 033510, Respondent,
an Attorney Licensed to Practice
Law in Tennessee
(Roane County)

JUDGMENT

This matter came on for a final hearing on February 7, 2024 before a Hearing Panel consisting of Robyn Askew, Michael King and Stephen Marcum, Panel Chair. Douglas R. Bergeron, Disciplinary Counsel for the Board of Professional Responsibility participated in the hearing. The Respondent with proper notice of the final hearing did not participate. The hearing was conducted audio/visually via Zoom platform.

I. ISSUE BEFORE THE PANEL

The Petition for Discipline was filed by the Board of Professional Responsibility (“the Board”) on July 27, 2023. Respondent filed an Answer on October 2, 2023. This Hearing Panel, following a telephonic scheduling conference, entered an Order on December 11, 2023 finding that, based on representations of the Respondent, all allegations, and averments in the Petition for Discipline, along with all exhibits, including any factual or legal findings contained in said exhibits, would be deemed admitted. On December 20, 2023 a Supplemental Petition for Discipline was filed by the Board. Respondent answered the supplemental Petition on January 2, 2024. On January 23, 2024, the Respondent and the Board entered a Joint stipulation that the Order of this Panel filed on December 11, 2023 would apply with the same force and effect to the

averments and exhibits in the Supplemental Petition for Discipline A final hearing was held on February 7, 2024.

Respondent on the afternoon of February 5, 2024, emailed the Panel Chair and Board counsel and advised that due to the medical condition of a family member he likely would not be able to participate although he would have liked to make a statement at the hearing. The Panel Chair emailed the Respondent and Board counsel that afternoon to advise Respondent that the Panel would be willing to consider a motion to continue if one were filed, preferably with verification of the basis for the motion. Respondent advised by email that "You can proceed in my absence."

II. FINDINGS OF FACT.

All allegations contained in the Petition for Discipline filed by the Board and the Supplemental Petition for Discipline were deemed admitted pursuant to the December 11, 2023 order entered in this matter and the Joint Stipulation filed on January 23, 2024 and were admitted into evidence without objection. At the final hearing in this matter, both petitions, two (2) instances of Respondent's prior conduct, and the email string between Respondent and the Hearing Panel Chair, wherein Respondent advised the Panel it could proceed with final hearing in his absence were admitted without objection. Based on the evidence presented pursuant to the prior order of this panel and the joint stipulation filed in this cause the following facts have been proven by preponderance of evidence:

A. File No. 71068-2-SB – Self-Report

Respondent agreed to represent Amy Elizabeth Hecker on February 2, 2021, in filing a Chapter 7 voluntary bankruptcy petition in the United States Bankruptcy Court for the Eastern District of Tennessee (hereinafter, the "Eastern District"). Ms. Hecker paid a \$1,300 flat fee for the representation. At all relevant times herein, Respondent was employed as an associate at the

Davis Law Firm, PLLC, owned by Tyler Davis. Respondent's bankruptcy practice focused primarily upon the representation of debtors in filing Chapter 7 petitions. Respondent first filed Ms. Hecker's voluntary Petition for Bankruptcy on February 2, 2021. The Chapter 7 proceeding was assigned to United States Bankruptcy Judge Suzanne H. Bauknight and assigned a Docket # of 3:21-bk-30162-SHB.

Ms. Hecker's bankruptcy petition was dismissed on May 7, 2021, for failure to file the statement of payment required by 11 U.S.C. § 521(a)(1)(B)(iv). In the order of dismissal, Judge Bauknight required Respondent to disgorge the \$1,300.00 fee paid by Ms. Hecker and to refile the bankruptcy petition without requiring further compensation, including payment of the \$338.00 filing fee. Respondent refiled Ms. Hecker's Chapter 7 voluntary Bankruptcy petition on December 20, 2021, with it being assigned a Docket # of 3:21-bk-31938-SHB. As of the date of this refiling, Tennessee's Bankruptcy homestead exemption was \$5,000. This exemption was scheduled to increase to \$35,000 on January 1, 2022. Respondent failed to recommend to Ms. Hecker that the filing be delayed until January 1, 2022, to claim the higher exemption. At the time of each Bankruptcy petition filing, Ms. Hecker owned realty used as her principal residence, encumbered by a single conventional mortgage with an approximate balance of \$85,000. Ms. Hecker's mortgage was not distressed, and Respondent was aware that Ms. Hecker sought to reaffirm the mortgage and retain ownership of the realty. Respondent listed Ms. Hecker's realty on her voluntary petition and identified her intention to reaffirm, but following the Petitions being filed, Respondent took no action to facilitate the reaffirmation.

Subsequent to the petition refiling, per bankruptcy protocol, a Chapter 7 Trustee, John P. Newton, was appointed, who retained a realtor to list the Hecker property for sale. As was his normal practice, the Trustee attempted to contact Respondent to help facilitate cooperation between the retained real estate agent and Respondent's client, Ms. Hecker. Respondent did not

respond to the Trustee, and on March 4, 2022, the trustee filed a motion for an oral examination of Ms. Hecker, pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedure, which was scheduled for March 24, 2022. Respondent was aware of the March 4, 2022 motion.

Respondent contacted the Trustee and advised that his client could not make the March 24, 2022, Rule 2004 examination because she had a work conflict, and the matter was rescheduled until March 29, 2022. Respondent has admitted under oath that he lied to the Trustee relative to his client having a work conflict as he had no knowledge of any work conflict. Prior to the 2004 examination, Respondent advised his client not to tell the Trustee that she did not want her home to be sold. Respondent did not notify, explain, or advise Ms. Hecker of the purpose of the 2004 examination or the Trustee's intention to sell the realty. Respondent did not recommend to his client the conversion of the Chapter 7 filing to a Chapter 13 petition at this time, or any other time, to prevent the sale of the realty.

Ms. Hecker submitted herself to the 2004 examination and, after its conclusion, raised understandable concerns with the Respondent about the Trustee's intention to sell the property. Respondent falsely reassured Ms. Hecker that the property would not be sold and claimed that the Trustee was simply doing his "due diligence." Beginning on March 31, 2022, the real estate agent, Ms. Turner, began contacting Ms. Hecker to obtain keys to the property and establish a timetable for Ms. Hecker to surrender possession. On or about March 31, 2022, Ms. Hecker advised Respondent of the contact with the real estate agent and that agent's desire to gain access to the home. Respondent, in return text messages and in telephonic conversations, advised client to lie to the real estate agent and delay. Beginning on April 5, 2022, Respondent sent a series of text messages to Ms. Hecker claiming that a motion was being drafted to convert her voluntary Chapter 7 Bankruptcy petition to a Chapter 13 to prevent the sale of her home by the Trustee. On April 22, 2022, Respondent advised Ms. Hecker that the motion to convert had been filed.

However, Respondent in fact never drafted or filed any motion to convert the bankruptcy petition from Chapter 7 to Chapter 13.

The Trustee filed a motion to compel Ms. Hecker's cooperation with the realtor on April 20, 2022. The motion was scheduled for hearing on May 5, 2022. Respondent, on or about May 4, 2022, advised Ms. Hecker that she did not need to appear at the scheduled hearing. The Trustee and Respondent appeared before Judge Bauknight on May 5, 2022, for the Trustee's Motion to Compel. During the hearing, Respondent falsely stated to Judge Bauknight that Ms. Hecker was unable to appear due to a relative's medical emergency. Respondent also falsely told Judge Bauknight that Respondent had advised Ms. Hecker of the need to fully cooperate with Ms. Turner. The Motion to Compel was granted on May 5, 2022. The following day, on May 6, 2022, in violation of Judge Bauknight's May 5 ruling, Respondent advised his client, Ms. Hecker, to continue to ignore any communications from the real estate agent and further instructed Ms. Hecker to falsely claim that she had contracted COVID, if the real estate agent appeared at the residence. On or about May 9, 2022, Ms. Hecker requested that Respondent forward her a copy of the motion to convert her Chapter 7 petition. Respondent, in reply, again lied to his client, advising that the motion had been made orally on May 5, 2022. No oral Motion to convert Ms. Hecker's bankruptcy petition to Chapter 13 was ever made by Respondent.

Ms. Hecker discharged Respondent and hired attorney Cynthia T. Lawson as successor counsel on May 11, 2022. Ms. Lawson entered an appearance for Ms. Hecker and filed a motion on May 11, 2022, to convert Ms. Hecker's voluntary petition to Chapter 13. The Trustee filed an objection on May 18, 2022, asserting that the motion should be denied on the grounds that Ms. Hecker acted in bad faith by failing to cooperate with the efforts to prepare the property for sale. Ms. Lawson filed a reply on behalf of the Debtor to the trustee's objection on May 25, 2022. In her reply, Ms. Lawson recited Respondent's conduct. Following review of Ms. Lawson's reply,

Judge Bauknight entered an order requiring Respondent to appear on May 27, 2022, and show cause why he should not be found in contempt and sanctioned.

Judge Bauknight's order also required Mr. Davis, the Respondent's supervising attorney, to appear, as Judge Bauknight was concerned that Mr. Davis failed to provide Respondent with proper supervision. The copy of Judge Bauknight's show cause order addressed to Mr. Davis was intercepted by Respondent after its transmittal to the firm's offices, and Respondent did not disclose the existence of the mailing to Mr. Davis. Mr. Davis, however, obtained independent notice of the proceeding after being included in an email transmitted by the United States Trustee on June 15, 2022, in connection with the bankruptcy proceeding.

Respondent and Ms. Hecker appeared before Judge Bauknight on June 22, 2022. Judge Bauknight heard sworn testimony from Respondent and Ms. Hecker. Respondent did not object to Judge Bauknight's admission of the text messages referenced above between Respondent and Ms. Hecker and stipulated the authenticity of said messages. Respondent otherwise fully admitted under oath to the entirety of the conduct described herein. Judge Bauknight entered a memorandum order on June 23, 2022, providing specific fact findings as to Respondent and directing Respondent to take specific actions. A subsequent hearing occurred on July 1, 2022, where Respondent and his supervising attorney Mr. Davis appeared and gave testimony. Judge Bauknight entered a subsequent Memorandum and Order on July 7, 2022, reflecting her findings and rulings.

Among many findings, Judge Bauknight concluded that Respondent purposely hid communications sent to Mr. Davis relative to the proceedings and show cause issues involved herein. Judge Bauknight further concluded that Respondent had committed ethical misconduct and ordered him to self-report to the Board. Judge Bauknight further concluded that Respondent failed to provide competent representation to his client, Ms. Hecker, in failing to recommend

conversion of her bankruptcy proceeding from Chapter 7 to Chapter 13. Judge Bauknight further concluded that Respondent failed to provide diligent representation to his client, Ms. Hecker, in failing to file for conversion of her bankruptcy proceeding from Chapter 7 to Chapter 13. Every averment and allegation in this Disciplinary Petition was admitted to by the Respondent under oath in courtroom proceedings occurring on June 22, 2022, and July 1, 2022 before Judge Bauknight.

B. File No. 70059c-2-SB – John Greene

On or about November 20, 2022, Complainant Mr. Greene sought representation from the Davis Law Firm in probating the Estate of his father (hereinafter, the “decedent”), who passed away on April 5, 2019. The Respondent, Mr. Roberts, was a salaried associate of this firm during this time frame and was assigned the Greene probate matter. Respondent agreed to handle the representation for a \$2,000 flat fee. No written fee agreement was signed. Complainant paid the fee at the commencement of the representation, along with an additional \$405.50 to cover the court filing fee and service fees.

Following receipt of the fee and expenses, Respondent took no action on Complainant’s estate matter. Complainant attempted on numerous occasions over the next two years to contact the Respondent with no success, including telephone calls, messages left for Respondent, and emails. On or about January 14, 2022, Complainant sent a letter to Respondent complaining of lack of any progress. Due to the lack of a probate estate being opened and the failure of Complainant to obtain any response from Respondent, the Complainant, on or about February 4, 2022, terminated Respondent by certified mail and requested a full refund. At no time has Respondent returned client’s materials following his termination. At no time following discharge has Respondent returned any portion of the funds paid to him by Complainant or

otherwise made any accounting. The failure of Respondent in opening the Estate caused actual injury to the Complainant and other beneficiaries. Respondent did not respond to the discharge communication sent to him by Complainant. Respondent, at some point during this representation, was terminated from his firm. Respondent never advised his client, the Complainant, of his termination or made any request of his client to transfer representation to another attorney within the firm or elsewhere.

III. CONCLUSIONS OF LAW.

Pursuant to Tenn. Sup. Ct. R. 9, § 1, the license to practice law in this state is a privilege, and it is the duty of every recipient of that privilege to conduct himself or herself at all times in conformity with the standards imposed upon members of the bar as conditions for the privilege to practice law. Acts or omissions by an attorney which violate the Rules of Professional Conduct of the State of Tennessee shall constitute misconduct and be grounds for discipline. It is noted that Respondent has admitted to knowing violations of the alleged violations in both petitions at issue here.

The preponderance of the evidence establishes that Mr. Roberts has knowingly committed the following violations of the Tennessee Rules of Professional Conduct:

A. File No. 71068-2-SB – Self-Report

Respondent's actions constitute knowing violations of the Tennessee Rules of Professional Conduct. Respondent provided incompetent representation to his client in counseling her to lie, exposing her to contempt of court for doing so, and failing to convert the originally filed Chapter 7 to Chapter 13 to avoid loss of her primary residence, all of which are separate violations of Tennessee Rule of Professional Conduct 1.1 (competence). Respondent, in allowing the original Chapter 7 filing in Bankruptcy on behalf of his client to be dismissed for failing to file the appropriate paperwork, was in violation of Tennessee Rules of Professional

Conduct 1.1 (competence), 1.3 (diligence), and 8.4(d) (misconduct). Respondent, in failing to abide by his client's wish to convert her Bankruptcy proceeding to Chapter 13, knowingly violated Tennessee Rule of Professional Conduct 1.2(a) (scope of representation). Respondent, in knowingly advising his client to lie to the Trustee's real estate agent, violated Tennessee Rules of Professional Conduct 1.2(d) (scope of representation) and 8.4 (c) and (d) (misconduct).

Respondent, in failing to file pleadings pertinent to the representation of his client and failing to respond to pleadings pertinent to the litigation, was not diligent and, as such, violated Tennessee Rules of Professional Conduct 1.1 (competence and 1.3 (diligence). The Respondent, in knowingly misleading his client about the status of various Bankruptcy filings, violated Tennessee Rule of Professional Conduct 1.4 (communication) and 8.4(c) and (d) (misconduct). Respondent, in failing to advise his client to wait to refile the previously dismissed bankruptcy petition to receive advantage of the increase in personal exemption amounts, violated Tennessee Rules of Professional Conduct 1.1 (competence) and 1.3 (diligence). Respondent, in knowingly misleading the Court, his client, and the Trustee and failing to file appropriate pleadings and counseling his client to avoid cooperation with the Trustee, has violated Tennessee Rule of Professional Conduct 3.2 (expediting litigation) and 8.4(c) and (d) (misconduct). Respondent, in knowingly misleading the Court, violated Tennessee Rules of Professional Conduct 3.3 (candor toward the tribunal) and 8.4 (c) and (d) (misconduct). Respondent, knowing that a Court Order was in place requiring cooperation of his client with the sale of the real estate and telling the client to lie about her availability, knowingly violated a Court Order and, in doing so, knowingly violated Tennessee Rules of Professional Conduct 1.2(d) (scope of representation), 3.4(c) (fairness to opposing party and counsel) and 8.4(c) and (d) (misconduct). The Respondent, in knowingly concealing the show cause order issued by the bankruptcy court sent to his then law partner and declining to inform his law partner of the mailing, violated Tennessee Rules of

Professional Conduct 4.1(a) (truthfulness in statements to others), 8.4(c) (misconduct), and 8.4(d) (misconduct). Respondent, in knowingly advising his client to lie to the Trustee's real estate agent, violated Tennessee Rule of Professional Conduct 1.2(d) (scope of representation) and 8.4(c) and (d) (misconduct). The respondent knowingly misled the Court by providing false information during a May 5, 2022, hearing and, in doing so, knowingly violated Tennessee Rules of Professional Conduct 3.3(a) (candor toward the tribunal) and 8.4 (c) and (d) (misconduct). Respondent, in knowingly advising his client to lie to the Trustee's agent, violated Tennessee Rules of Professional Conduct 1.2(d) (scope of representation) and 8.4(d) (misconduct). In counseling his client to lie to the trustee's agent, which caused multiple show cause hearings and motions needed to be filed, Respondent engaged in conduct prejudicial to the administration of justice in violation of Tennessee Rule of Professional Conduct 8.4(c) and (d) (misconduct). Respondent, in knowingly engaging in conduct involving dishonesty, deceit, and misrepresentation as outlined in this Petition, violated Tennessee Rule of Professional Conduct 8.4(c) and (d) (misconduct). The Respondent, in violating the Tennessee Rules of Professional Conduct cited herein, has also violated Tennessee Rule of Professional Conduct 8.4(a) (misconduct).

B. File No. 70059c-2-SB – John Greene

By receiving a fee and agreeing to representation and then doing little, if anything, in furtherance of the task he was hired to perform, Respondent violated Tennessee Rules of Professional Conduct 1.1 (Competence) and 1.3 (diligence). By failing to respond to numerous communications from Complainant/client, failing to keep client advised as to his lack of doing required work on the matter hired for, failing to advise client of his leaving the firm, failing to advise his client of options regarding his leaving the firm, Respondent, on multiple separate occasions violated RPC 1.4 (Communication). Respondent, following his termination by his

client, failed to take steps to protect the client's interests, which included failing to timely turn over papers and property the client is entitled to and, as such, violated RPC 1.16 (Declining or terminating representation). Respondent, by taking a fee and doing little, if any, work charged an unreasonable fee in violation of RPC 1.5 (Fees). Respondent, by violating or attempting to violate any of the alleged Rules of Professional Conduct, violated RPC 8.4(a) (Misconduct).

In summary, Mr. Roberts, over both petitions filed in this cause is found to have violated RPC 1.1, 1.2(a) and (d), 1.3, 1.4, 1.5, 1.16, 3.3, 4.1, and 8.4 (a), (c), and (d).

IV. APPLICATION OF ABA STANDARDS

With disciplinary violations having been established by a preponderance of the evidence, the Panel shall next consider the applicable provisions of ABA Standards for Imposing Lawyer Sanctions. Tenn. S. Ct. Rule 9, § 15.4(a) governs the imposition of punishment by the Hearing Panel. "[i]n determining the appropriate type of discipline, the hearing panel shall consider the applicable provisions of the ABA Standards for Imposing Lawyer Sanctions". See *Thompson v. Board of Professional Responsibility*, 600 S.W.3d 317, 320-21 (Tenn. 2020); *In re Vogel*, 482 S.W.3d 520, 533 (Tenn. 2016). The ABA Standards are designed to promote: "(1) consideration of all factors relevant to imposing the appropriate level of sanction in an individual case; (2) consideration of the appropriate weight of such factors in light of the stated goals of lawyer discipline; [and] (3) consistency in the imposition of disciplinary sanctions." ABA Standard 1.3. These standards serve as "guideposts" for determining the appropriate punishment rather than "rigid rules that dictate a particular outcome." *Vogel*, 482 S.W.3d at 533-34.

Further, while "[h]earing panels should 'precisely and clearly identify all ABA Standards that are relied upon for guidance in determined an appropriate sanction,'" *Board of Professional Responsibility v. Sheppard*, 556 S.W.3d 139, 149 (Tenn. 2018) (citation omitted), the Standards-as "guideposts"-are not "rigid rules" and "are not designed to propose a specific sanction for each

of the myriad of fact patterns in cases of lawyer misconduct." *Board of Professional Responsibility v. Daniel*, 549 S.W.3d 90, 100 (Tenn. 2018). In cases where lawyer misconduct seems to fall between presumptive sanctions or within multiple ABA Standards which identify different presumptive sanctions, Hearing Panels and the Supreme Court are authorized to make an ultimate determination on the appropriate sanction. *Id.* at 102. Accordingly, "a hearing panel may consider the full panoply of sanctions applicable to lawyer misconduct ... even if a particular ABA Standard does not explicitly describe the fact pattern in question." *Id.*

The following ABA Standards have application to the findings in this case:

4.5 Lack of Competence – *Applies to violations of RPC 1.1*

4.5 Lack of Competence Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving failure to provide competent representation to a client:

4.51 Disbarment is generally appropriate when a lawyer's course of conduct demonstrates that the lawyer does not understand the most fundamental legal doctrines or procedures, and the lawyer's conduct causes injury or potential injury to a client.

4.52 Suspension is generally appropriate when a lawyer engages in an area of practice in which the lawyer knows he or she is not competent, and causes injury or potential injury to a client.

4.4 Lack of Diligence – *Applies to violations of RPC 1.2 (a) and (d), 1.3, and 1.4.*

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving a failure to act with reasonable diligence and promptness in representing a client:

4.41 Disbarment is generally appropriate when: (a) a lawyer abandons the practice and causes serious or potentially serious injury to a client; or (b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or (c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

4.42 Suspension is generally appropriate when: (a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client, or (b) a lawyer engages in a pattern of neglect causes injury or potential injury to a client.

6.1 False Statements, Fraud, and Misrepresentation – *Applies to violations of RPC 3.3 and 4.1*

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving conduct that is prejudicial to the administration of justice or that involves dishonesty, fraud, deceit, or misrepresentation to a court:

6.11 Disbarment is generally appropriate when a lawyer, with the intent to deceive the court, makes a false statement, submits a false document, or improperly withholds material information, and causes serious or potentially serious injury to a party, or causes a significant or potentially significant adverse effect on the legal proceeding.

6.12 Suspension is generally appropriate when a lawyer knows that false statements or documents are being submitted to the court or that material information is improperly being withheld, and takes no remedial action, 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.

6.2 Abuse of the Legal Process – *Applies to violations of RPC 8.4*

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving failure to expedite litigation or bring a meritorious claim, or failure to obey any obligation under the rules of a tribunal except for an open refusal based on an assertion that no valid obligation exists:

6.21 Disbarment is generally appropriate when a lawyer knowingly violates a court order or rule with the intent to obtain a benefit for the lawyer or another, and causes serious injury or potentially serious injury to a party or causes serious or potentially serious interference with a legal proceeding.

6.22 Suspension is generally appropriate when a lawyer knows that he or she is violating a court order or rule, and causes injury or potential injury to a client or a party, or causes interference or potential interference with a legal proceeding.

7.0 Violations of Other Duties as a Professional - *Applies to violations of RPC 1.5 and 1.16*

Absent aggravating or mitigating circumstances, upon application of the factors set out in Standard 3.0, the following sanctions are generally appropriate in cases involving false or misleading communication about the lawyer or the lawyer's services, improper communication of fields of practice, improper solicitation of professional employment from a prospective client, unreasonable or improper fees, unauthorized practice of law, improper withdrawal from representation, or failure to report professional misconduct.

7.1 Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for

the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system.

7.2 Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional and causes injury or potential injury to a client, the public, or the legal system.

A. Aggravating Factors

Pursuant to ABA Standard 9.22, aggravating factors were alleged, were stipulated and are present in this case. The following aggravating circumstances justify an increase in the degree of discipline to be imposed against Mr. Roberts:

1. Mr. Roberts' pattern of misconduct is an aggravating circumstance justifying an increase in discipline.
2. Mr. Roberts' multiple offenses are an aggravating circumstance justifying an increase in discipline.
3. Mr. Roberts' substantial experience in the practice of law, having been licensed in Tennessee in 2014, is an aggravating circumstance justifying an increase in discipline.
4. Mr. Roberts' prior disciplinary offenses are an aggravating circumstance justifying an increase in discipline. Mr. Roberts' prior discipline consists of a Public Censure issued on October 13, 2022 and a Supreme Court Ordered temporary suspension issued on October 13, 2023 (for failing to comply with his TLAP monitoring agreement).
5. Mr. Roberts' dishonest or selfish motive is an aggravating factor justifying an increase in discipline.
6. The vulnerability of a client seeking bankruptcy protection is an aggravating factor justifying an increase in discipline.

B. Mitigating Factors

Mr. Roberts, with full knowledge of the final hearing date, time, and means, did not participate in the final hearing and; therefore, there was no evidence of mitigating factors found by preponderance of evidence.

V. JUDGMENT

The Hearing Panel has considered the Findings of Fact and Conclusions of Law herein


and the applicable ABA Standards for Imposing Lawyer Sanctions. The Panel finds that Respondent (i) demonstrated a lack of professional competence, (ii) charged an unreasonable fee by accepting compensation and refusing to return it although he did not perform the requested work, (iii) failed to properly communicate with his client, (iv) engaged in a continuing pattern of misrepresentations to his client, to opposing counsel and to a Federal Bankruptcy Judge, and (v) counseled his client to lie to third parties. The Hearing Panel has determined that the actions of Mr. Roberts were knowing violations of disciplinary Rules and the appropriate baseline sanction when considering each violation is disbarment. These admitted actions were egregious and not befitting of any attorney with a license to practice law in this State. Having established the appropriate baseline sanction of disbarment, the Hearing Panel finds no mitigating factors to apply a downward deviation to disbarment. Even if this Panel found that the ABA standards applicable in this matter led to a presumption of suspension, as opposed to disbarment, as the baseline sanction, the multiple aggravating factors would increase the sanction to disbarment. It is therefore the conclusion of this Panel that Respondent should be disbarred.

As an additional sanction, Mr. Roberts shall immediately provide restitution to his former client Mr. John Greene in the amount of \$2,405.50.

NOTICE

This judgment may be appealed pursuant to Tenn. Sup. Ct. R. 9, § 33, by filing a Petition for Review in the Circuit or Chancery Court within sixty (60) days of the date of entry of the hearing panel's judgment.

IT IS SO ORDERED.



Stephen Marcum, Panel Chair

Robyn Ashew Coy SM
Robyn Askew, Panel Member w/permission

Michael King Coy SM
Michael King, Panel Member w/permission

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been sent via email to Respondent Christopher Shawn Roberts, at his registered email address: shawnsrobertslaw@gmail.com, and to Douglas R. Bergeron, Disciplinary Counsel, at dbergeron@tbpr.org, on this the 7th day of March 2024.



Katherine Jennings
Executive Secretary

NOTICE

This judgment may be appealed by filing a Petition for Review in the appropriate Circuit or Chancery Court in accordance with Tenn. Sup. Ct. R. 9, § 33.