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

BOARD OF PROFESSIONAL
RESPONSIBILITY

RW
EXFC. Sec

IN RE: STEVEN EDWARD SAMS
BPR # 22560, Respondent
An Attorney Licensed and
Admitted to the Practice of
Law in Tennessee
(Knox County)

DOCKET NO. 2015-2514-2-AJ

JUDGMENT OF THE HEARING PANEL

This matter came to be heard in a telephonic conference on May 2, 2016, for final hearing on the Board's Petition for Discipline before James G. O'Kane, Jr., Panel Chair; Gregory F. Coleman, Panel Member; and, John E. Winters, Panel Member. Alan D. Johnson, Disciplinary Counsel, appeared for the Board. Mr. Sams did not appear.

STATEMENT OF THE CASE

A Petition for Discipline was filed against Mr. Sams on November 18, 2015. Mr. Sams did not file a response or otherwise answer the Petition, and a Default Judgment was entered against him on April 4, 2016. Pursuant to the Default Judgment, all allegations contained in the Petition for Discipline are deemed admitted.

FINDINGS OF FACTS

File No. 41207-2-BG – Informant – J. Scott Griswold, Esq.

On April 29, 2015, the Board received information from Mr. Griswold concerning Mr. Sams' activities in violation Rules of Professional Conduct. By letters dated May 12, 2015, May

13, 2015, and June 16, 2015, the Board notified Mr. Sams of the information and asked for his written response within ten (10) days. Mr. Sams never responded to the Board.

On September 12, 2013, Mr. Sams was temporarily suspended from the practice of law for failing to respond to an unrelated ethics complaint; accordingly, Mr. Sams was prohibited from undertaking any new legal matters from that date. Mr. Sams has taken no action to dissolve the Order of Temporary Suspension entered on September 12, 2013.

After the October 2013, death of Mr. Sams's acquaintance, Mr. Sams approached the surviving children, represented to them that he was an attorney licensed to practice law in Tennessee, and offered to serve as the administrator of their mother's estate. On October 24, 2013, Mr. Sams sent the children a letter with "Sams Law Firm, PLLC" on the letterhead, and included five (5) declinations for the children to sign.

The declinations stated, "I hereby nominate Attorney Steve E. Sams to serve as Personal Representative." The declinations were signed by the children and filed with the Probate Court by Mr. Sams. On November 1, 2013, Mr. Sams filed a petition to open the estate that represented that his employer was Sams Law Firm, PLLC. In December 2013, after disputes arose, five of the six children hired Informant to represent them as beneficiaries. Informant subsequently learned that Mr. Sams was suspended from the practice of law and raised the issue with the Court.

It is clear from the admitted allegations that Mr. Sams, during the time he was suspended from the practice of law, knowingly and intentionally solicited clients, sent correspondence that identified him as a lawyer, and submitted declinations to the court that identified him as a lawyer.

CONCLUSIONS OF LAW

Pursuant to Tenn. S. Ct. R. 9, § 3, 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 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 (hereinafter "RPC") of the State of Tennessee shall constitute misconduct and be grounds for discipline.

Mr. Sams was disbarred from the practice of law on November 26, 2014; however, that does not deprive the Court and this Hearing Panel of jurisdiction. Tenn. Sup. Ct. R. 9, § 8.1 provides in relevant part as follows:

Any attorney admitted to practice law in this State, including any formerly admitted attorney with respect to acts committed prior to surrender of a law license, suspension, disbarment, or transfer to inactive status, or with respect to acts subsequent thereto which amount to the practice of law or constitute a violation of this Rule or of the Rules of Professional Conduct, ... is subject to the disciplinary jurisdiction of the Court, the Board, panels, the district committees and hearing panels herein established, and the circuit and chancery courts of this State.

The actions taken by Mr. Sams in this case took place in October and November, 2013, which was after he was temporarily suspended and before he was disbarred. Accordingly, the Hearing Panel has jurisdiction to hear this matter.

The September 12, 2013, Order of Temporary Suspension (Exhibit A) expressly states at paragraph two (2) that Mr. Sams "shall comply with Tenn. Sup. Ct. R. 9 in all respects and particularly as provided in Tenn. Sup. Ct. R. 9, § 18." Section 18.7 states as follows:

New Representation Prohibited. Prior to the effective date of the order, if not immediately, the respondent shall not undertake any new legal matters. Upon the effective date of the order, the respondent shall not maintain a presence or occupy an office where the practice of law is conducted. The respondent shall take such action as is necessary to cause the removal of any indicia of lawyer, counselor at law, legal assistant, law clerk, or similar title.

Mr. Sams violated the Supreme Court Order by sending letters with the letter head "Sams Law Firm, PLLC". In addition, he prepared documents for the heirs to sign, Declination to Serve, that appointed "Attorney Steven E. Sams, to serve as the personal representative of the estate, and

he filed those documents with the Probate Court. He further filed Rule 10 Certification in the Probate Court that identified himself as an employee of "Sams Law Firm, PLLC."

For the following reasons, Mr. Sams violated the Rules of Professional Responsibility. In holding himself out as a licensed lawyer, soliciting and representing new clients while suspended from the practice of law, Mr. Sams violated Tenn. Sup. Ct. R. 9, § 18.7 (2006) (new representation prohibited after suspension), RPC 5.5 (b) (unauthorized practice of law), RPC 7.1 (communication concerning legal services) and RPC 8.4 (g) (misconduct). In sending and filing the declinations, cover letters, and the other documents which referred to Mr. Sams as an attorney while suspended from the practice of law, Mr. Sams violated RPC 1.4 (communication), RPC 3.3 (candor toward the tribunal), RPC 7.1 (communication concerning legal services), and RPC 7.5 (firm letterheads). In failing to respond to the Board, Mr. Sams violated RPC 8.1 (failing to respond). In violating the above RPC, Mr. Sams violated RPC 8.4 (a) (misconduct).

When disciplinary violations are established by a preponderance of the evidence, the appropriate discipline must be based upon application of the ABA Standards for Imposing Lawyer Sanctions, ("ABA Standards") pursuant to Section 8.4, Rule 9 of the Rules of the Supreme Court.

The following ABA Standards apply in this matter:

- 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.

- 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.

Aggravating Factors

Pursuant to ABA Standard 9.22, the following aggravating factors are present in this case:

- (a) prior disciplinary offenses;
- (d) multiple offenses;
- (e) bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency;
- (i) substantial experience in the practice of law;

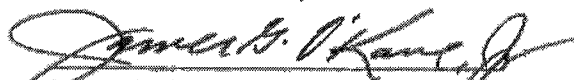
The admitted allegations in the Petition for Discipline establish that Mr. Sams was disbarred from the practice of law on November 26, 2014, and received a public censure on February 27, 2015, for entering into an engagement agreement after his suspension. The admitted allegations in the Petition for Discipline also establish that Mr. Sams committed multiple violations and did not respond to Disciplinary Counsel during the investigation of the case. Finally, Mr. Sams has substantial experience in the practice of law, having been licensed in 2003.

CONCLUSION

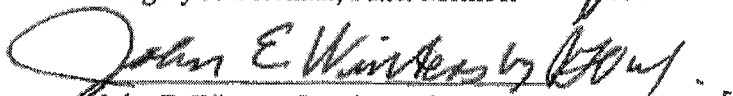
Based on these findings of fact and conclusions of law, it is the judgment of the Panel that Mr. Sams shall be disbarred pursuant to Tenn. Sup. Ct. R. 9, § 12.1 retroactive to November 26, 2014, the date of his previous disbarment.

The costs of this cause, as set forth in Tenn. Sup. Ct. R. 9, § 31.3 (a) (2014), will be taxed to Mr. Sams following entry of this judgment pursuant to the procedures established in Tenn. Sup. Ct. R. 9, § 31.3 (a) (2014).

IT IS SO ORDERED,


James G. O'Kane, Jr., Panel Chair


Gregory F. Coleman, Panel Member *w/permission*


John E. Winters, Panel Member *w/permission*

NOTICE TO RESPONDENT

This judgment may be appealed pursuant to Tenn. Sup. Ct. R. 9, § 3.3.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Judgment of the Hearing Panel has been sent to Respondent, Steven Edward Sams, PO Box 31888, Knoxville 37930-1888; PO Box 31548, Knoxville 37930-1548; PO Box 1588, Knoxville 37901-1588, by U.S. First Class Mail, and hand-delivered to Alan D. Johnson, Disciplinary Counsel, on this the 24th day of May, 2016.



Rita Webb
Executive Secretary

NOTICE

This judgment may be appealed pursuant to Tenn. Sup. Ct. R. 9, § 33 (2014) 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.