



BOARD OF PROFESSIONAL RESPONSIBILITY OF THE SUPREME COURT OF TENNESSEE

1101 KERMIT DRIVE, SUITE 730
NASHVILLE, TENNESSEE 37217
TELEPHONE: (615) 361-7500
(800) 486-5714
FAX: (615) 367-2480
E-MAIL: ethics@tbpr.org
Website: www.tbpr.org

RELEASE OF INFORMATION
RE: MICHAEL H. SNEED, BPR# 011141
CONTACT: NANCY JONES
BOARD OF PROFESSIONAL RESPONSIBILITY
615-361-7500

January 27, 2010

NASHVILLE LAWYER HELD IN CRIMINAL CONTEMPT

On January 26, 2010, the Supreme Court adopted the recommendation of a Special Master and held Michael H. Sneed of Nashville, Tennessee in criminal contempt and sentenced him to serve fifty (50) days in jail. The Court previously had entered an Order of Enforcement on February 24, 2009, suspending Mr. Sneed's license to practice law for eighteen (18) months in connection with a Judgment of a Hearing Panel issued on a Petition for Discipline filed by the Board of Professional Responsibility.

After the effective date of the suspension, the Board received complaints that Mr. Sneed continued to practice law. Following an investigation, the Board filed a Petition for Order of Criminal Contempt on June 25, 2009, and a Supplemental Petition on July 24, 2009. The Supreme Court appointed a special master who held a hearing on September 28, 2009. In the report and recommendation filed on November 18, 2009, the special master found Mr. Sneed guilty beyond a reasonable doubt of criminal contempt pursuant to Tenn. Code Ann. 29-9-102(3). Due to the egregious nature of his conduct, the special master recommended that the maximum penalty should be imposed.

The Supreme Court ordered Mr. Sneed to show cause on January 5, 2010, why the special master's recommendation should not be adopted. By the January 26, 2010 Order, the Court has adopted the recommendation finding that, while on suspension, Mr. Sneed failed to withdraw from pending lawsuits; failed to removed any indicia of being a lawyer; violated the prohibition against soliciting for and taking on new clients; and failed to give notice of his suspension as required by Section 18 of Supreme Court Rule 9.

The Court sentenced Mr. Sneed to a period of incarceration of 50 days, ordered him to pay a fine of \$2,500 and ordered him to pay to the Board its costs and expenses of the proceeding. Mr. Sneed was ordered to surrender to the Davidson County Sherriff's Office by February 10, 2010.

Sneed 1339-5 rel.doc

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IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

January 5, 2010 Session Heard at Knoxville

FILED

JAN 26 2010

Clerk of the Courts

IN RE: MICHAEL H. SNEED, BPR NO. 11141

An Attorney Licensed to Practice Law in Tennessee
(Davidson County)

For Publication

BOPR No. 2002-1339-5-CH

No. M2009-00361-SC-BPO-BP

ORDER

By Order of Enforcement entered by this Court on February 24, 2009, Michael H. Sneed was suspended from the practice of law for a period of eighteen months. This matter is before the Court upon a Petition for Order of Criminal Contempt filed on June 25, 2009, and a Supplemental Petition for Order of Criminal Contempt filed on July 24, 2009, against Mr. Sneed by the Board of Professional Responsibility of the Supreme Court of Tennessee ("Board"). The Petition and Supplemental Petition filed by the Board allege that Mr. Sneed willfully violated this Court's February 24, 2009 order because he failed to cease practicing law and failed to notify his clients, co-counsel, and opposing lawyers, of his suspension as required by Tennessee Supreme Court Rule 9, section 18.1. The Board further claimed that Mr. Sneed failed to withdraw from his pending cases as required by section 18.6, continued to practice law after the effective date of his suspension in violation of section 18.5, continued to accept new clients in violation of section 18.7, failed to remove indicia of being a lawyer as required by section 18.7, and failed to file an affidavit with the Board demonstrating compliance with the ethical rules applicable to suspended lawyers as required by section 18.8.

This Court appointed Barbara J. Moss to serve as Special Master, directed the Special Master to serve Mr. Sneed with notice of a criminal contempt hearing, instructed the Special Master to conduct an evidentiary hearing on the Board's petitions, and directed the Special Master, upon completion of the hearing, to transmit the record of the proceedings and a report of findings of fact and conclusions of law to this Court.

A Show Cause Order and Amended Show Cause Order were properly served. The hearing before the Special Master occurred on September 28, 2009, and on November 18, 2009, the Special Master filed with this Court a report of her findings of fact and conclusions of law. The Special Master concluded that the evidence proved beyond a reasonable doubt that Mr. Sneed willfully committed multiple acts of criminal contempt by continuing to practice law and holding himself out to the public and to the courts as a licensed attorney. See Tenn. Code Ann. § 29-9-102(3) (2000).¹ Specifically, the Special Master found that Mr. Sneed committed fifty separate acts of criminal contempt arising out of his failure to comply with the notice requirements imposed upon suspended lawyers, his failure to withdraw from pending cases, his undertaking of new cases, his failure to remove all indicia that he was licensed, and his making misrepresentations to courts concerning the status of his law license. The Special Master was "especially concerned" that Mr. Sneed "took money from vulnerable people promising legal services that he could not deliver." The Special Master concluded that, given Mr. Sneed's "repeated and egregious conduct," he should be sentenced to the maximum permitted by Tennessee Code Annotated section 29-9-103 (2000) which, in this case, is a fine of \$2,500 and 500 days imprisonment.

Following the filing of the Special Master's report, this Court ordered Mr. Sneed to appear before this Court on January 5, 2010, and show cause why he should not be found in contempt of this Court's February 24, 2009 order of enforcement and sentenced in accordance with the Special Master's report. Disciplinary Counsel was likewise ordered to appear and present argument on behalf of the Board. Mr. Sneed filed a brief and the parties appeared before this Court on January 5, 2010, in the Supreme Court Building in Knoxville and presented their respective arguments.

Prior to oral argument, the Board filed a Motion to Strike the Brief of Michael H. Sneed on the grounds that the matters addressed therein were irrelevant to the issues currently before the Court and that it failed to comply with the instructions set forth in the Court's December 1, 2009 order. Although the Court is inclined to agree with the Board's recitation, having the brief remain in the record is the best way to evidence its deficiencies. Therefore, the Motion to Strike the Brief of Michael H. Sneed is denied.

¹ Criminal acts are deemed to be "willful" when the person "acts intentionally with respect to the nature of the conduct . . . when it is the person's conscious objective or desire to engage in the conduct . . ." Tenn. Code Ann. § 39-11-302(a) (2006); see State v. Electroplating, Inc., 990 S.W.2d 211, 221 n.9 (Tenn. Crim. App. 1998) (noting the equivalence of "willful" with "intentional" as defined in Tennessee Code Annotated section 39-11-302(a)).

Having carefully considered the arguments of the parties and the entire record, this Court hereby accepts the Special Master's findings of fact and conclusions of law as outlined in detail in the report filed in this Court on November 18, 2009. The report, with attachments, is accepted and made part of this Order as Appendix A. In accepting the Special Master's report, we find that all of the procedural requirements of Tennessee Rule of Criminal Procedure 42 have been satisfied. Mr. Sneed makes no argument to the contrary, either in this Court or in the proceeding below. Moreover, we observe that Mr. Sneed has not challenged any of the factual findings contained in the Special Master's report, including the sufficiency of the evidence or the number of counts of contempt. Indeed, at oral argument, Mr. Sneed readily acknowledged that he knowingly (and therefore willfully) committed all the acts found by the Special Master. He challenges the finding of willfulness only because he contends that the Court's February 24, 2009 Order is invalid, notwithstanding this Court's previous review and rejections of that claim. This Court has nonetheless reviewed the record and finds that it fully supports the Special Master's findings of fact and conclusions of law as to the willfulness of each of the fifty counts of contempt alleged. Mr. Sneed is guilty of each of the alleged counts of contempt.

Having found Mr. Sneed guilty of fifty counts of contempt, we must determine his punishment. As we have noted:

The power to punish for contempt has long been regarded as essential to the protection and existence of the courts and the proper administration of justice. At common law, the contempt power was broad and undefined. Concerned about the potential abuse of this power, the Tennessee General Assembly, like its counterparts in other states, enacted statutes to define and limit the courts' power to punish for contempt. As a result, the courts' contempt power is now purely statutory.

Tenn. Code Ann. § 16-1-103 (1994) currently provides that "[f]or the effectual exercise of its powers, every court is vested with the power to punish for contempt, as provided for in this code." To give effect to this power, Tenn. Code Ann. §§ 29-9-101 to -108 (2000) further define the scope of the contempt power and the punishment and remedies for contemptuous acts. Of particular relevance to this case, Tenn. Code Ann. § 29-9-102(3) specifically empowers the courts to use their contempt powers in circumstances involving "[t]he willful disobedience or resistance of any officer of the such courts . . . to any lawful writ, process, order, rule, decree, or command of such courts." This provision enables the courts to maintain the integrity of their orders.

Konvalinka v. Chattanooga-Hamilton County Hosp. Auth., 249 S.W.3d 346, 354 (Tenn. 2008) (citations and footnotes omitted).

Criminal contempt should be imposed in appropriate cases “when necessary to prevent actual, direct obstruction of, or interference with, the administration of justice.” Robinson v. Air Draulics Eng’g Co., 377 S.W.2d 908, 912 (Tenn. 1964). Thus, sanctions imposed for criminal contempt generally are both punitive and unconditional. Black v. Blount, 938 S.W.2d 394, 398 (Tenn. 1996). Tennessee Code Annotated section 29-9-103(b) provides that the punishment for each act of contempt may be a fine not to exceed fifty dollars and a sentence not to exceed ten days.

This Court takes seriously its obligation to supervise and regulate the practice of law in this state. See Maddux v. Bd. of Prof’l Responsibility, 288 S.W.3d 340, 343 (Tenn. 2009). It is beyond dispute that an attorney who knowingly disregards this Court’s inherent authority to regulate the legal profession by ignoring an order of suspension, as is the case here, undermines the protection of the public and the preservation of the public’s confidence in the legal system. Indeed, a lawyer’s blatant disregard of an order of this Court, or any court for that matter, represents a serious affront to both the legal profession and the administration of justice. In our view, Mr. Sneed’s egregious disregard of this Court’s suspension order and the rules that govern the practice of law is the type of conduct that adds to the unfortunate cynicism about lawyers and encourages disrespect for and noncompliance with court orders, a clearly untenable situation that does great harm to the public, the legal system, the profession of law, and the dignity of the courts.

This Court has previously observed that “criminal contempt is generally regarded as a crime.” Black, 938 S.W.2d at 402. Because it is punishable by confinement of less than one year, we consider it a misdemeanor for sentencing purposes. See Tenn. Code Ann. § 39-11-110 (2006); but see State v. Wood, 91 S.W.3d 769, 776 (Tenn. Ct. App. 2002) (holding inapplicable to a criminal contempt conviction arising from a civil matter that portion of the misdemeanor sentencing provision requiring the trial court to fix a percentage of the sentence to serve, and that statutory provision allowing a misdemeanant to earn good time credits). We therefore look to the Tennessee Criminal Sentencing Reform Act of 1989, Tenn. Code Ann. §§ 40-35-101 through -505 (2006), for guidance.

As set forth above, Tennessee Code Annotated section 29-9-103(b) authorizes a sentence of up to ten days for each of Mr. Sneed’s contempt convictions. Our intermediate appellate courts have upheld the maximum ten-day sentence upon a single instance of criminal contempt. See Frye v. Frye, 80 S.W.3d 15, 17, 19 (Tenn. Ct. App. 2002); State v. Ramos, No. M2007-01766-CCA-R3-CD, 2009 WL 890877, at *8 (Tenn. Crim. App. Apr. 2, 2009). Given the seriousness of the contempts in this matter, and the deliberate manner in

which they were committed, we have determined that a ten-day sentence on each of Mr. Sneed's fifty contempt convictions is appropriate.

We must next determine the manner in which Mr. Sneed shall serve his multiple sentences. If a defendant is convicted of more than one offense, the sentencing court must determine whether the sentences run consecutively or concurrently to one another. Tenn. Code Ann. § 40-35-115(a). We may order Mr. Sneed's sentences to run consecutively if we find by a preponderance of the evidence that certain criteria enumerated in Tennessee Code Annotated section 40-35-115(b) are present. Among the relevant criteria supporting consecutive sentencing are: (1) "[t]he defendant is an offender whose record of criminal activity is extensive"; and (2) "[t]he defendant is [being] sentenced for criminal contempt." Tenn. Code Ann. § 40-35-115(b)(2), (7). Although statutory criteria may support the imposition of consecutive sentences, the overall length of the sentence must be "justly deserved in relation to the seriousness of the offense[s]," Tenn. Code Ann. § 40-35-102(1), and "no greater than that deserved" under the circumstances, *id.* at § 40-35-103(2). See also State v. Lane, 3 S.W.3d 456, 460 (Tenn. 1999). The decision to impose concurrent or consecutive sentences is a matter entrusted to the sound discretion of the sentencing court. State v. Nelson, 275 S.W.3d 851, 870 (Tenn. Crim. App. 2008).

Our appellate courts have previously upheld partial consecutive sentencing for a defendant with no prior criminal record who was convicted of eight crimes in a single trial based on the fact that the defendant's record of criminal activity was extensive. State v. Cummings, 868 S.W.2d 661, 664, 667 (Tenn. Crim. App. 1992). Based on the flagrant nature of Mr. Sneed's violations of this Court's previous order, and the sheer number of acts of contempt he committed, the record clearly supports the finding that he is an offender whose record of criminal activity is extensive. Furthermore, because each of the offenses of which he stands convicted is criminal contempt, he automatically qualifies for consecutive sentencing as to all counts. Absent the existence of other considerations, this Court would be inclined to run all fifty sentences consecutive to one another, for a total sentence of 500 days. See, e.g., Sliger v. Sliger, 181 S.W.3d 684, 686-87, 692 (Tenn. Ct. App. 2005) (affirming fifty-two consecutive ten-day sentences for multiple criminal contempts). However, by separate opinion and order entered contemporaneously with this Order, and based on charges completely separate from these, Mr. Sneed is today being disbarred from the practice of law in Tennessee. The loss of one's professional license is the most serious professional penalty that one can suffer. See, e.g., Longenecker v. Turlington, 464 So. 2d 1249, 1249 (Fla. Ct. App. 1985) (acknowledging hearing officer's recitation that "[p]ermanent revocation of a professional license is, indeed, a harsh penalty, hopefully exercised only in the most serious of instances"); People ex rel. Thomas v. Berry, 29 P. 904, 904 (Colo. 1892) (recognizing that "the revocation of an attorney's license to practice law is a severe penalty"). Therefore, keeping in mind the limitation of the sentencing statutes

that the total punishment must be no greater than that deserved under the circumstances, we are persuaded that a shorter effective sentence is appropriate.

We therefore look to the nature of the fifty separate offenses of which Mr. Sneed stands convicted. We find that they fall into five general categories of misconduct under Supreme Court Rule 9:

(1) Failure to give notice of his suspension as required by section 18.1 (Counts 1, 2, 3);

(2) Failure to withdraw from pending lawsuits as required by section 18.6 (Count 4);

(3) Prohibition against soliciting or taking new clients as required by section 18.7 (Counts 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22);

(4) Continuing to practice law after effective date of the suspension as prohibited by section 18.5 (Counts 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39); and

(5) Failing to remove indicia of being a lawyer, as required by section 18.7 (Counts 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50).

Additionally, the Master found Mr. Sneed guilty of one count (23) of failing to file the required affidavit with the Board as required by section 18.8. She also found that Mr. Sneed made a knowing and willful misrepresentation to Judge Lawrence Berman of the Immigration Court that his license was not suspended.

After carefully considering all applicable sentencing considerations, we hold that Mr. Sneed's ten-day sentences should be run partially concurrent and partially consecutive to one another. Counts 1, 2, and 3 will run concurrent to each other, but consecutive to the groups announced below. Count 4 will run consecutive to Counts 1-3, and to each of the groups announced below. Counts 5-22 will run concurrent to one another, but consecutive to Counts 1-3, Count 4, Counts 24-39, and Counts 40-50. Counts 24-39 will run concurrent to each other, but consecutive to Counts 1-3, Count 4, Counts 5-22, and Counts 40-50. Counts 40-50 will run concurrent to one another, but consecutive to Counts 1-3, Count 4, Counts 5-22, and Counts 24-39. Count 23 will run concurrent to Count 1. The total effective sentence to be served is fifty days. Mr. Sneed shall surrender himself to the Davidson County Sheriff's

Department within fifteen days of the filing date of this Order to begin service of this sentence.

Based upon the foregoing, it is hereby ORDERED that the Board's Motion to Strike the Brief of Michael H. Sneed shall be and is hereby denied.

It is further ORDERED that the Special Master's report filed in this Court on November 18, 2009, with attachments, be accepted and made a part of this Order as Appendix A. Accordingly, Mr. Sneed is hereby adjudged to be guilty of fifty counts of criminal contempt. In accordance with Tennessee Code Annotated section 29-9-103(b), Mr. Sneed is sentenced to serve ten days in the Davidson County Jail on each count. Counts 1, 2, and 3 will run concurrent to each other, but consecutive to the groups announced below. Count 4 will run consecutive to Counts 1-3, and to each of the groups announced below. Counts 5-22 will run concurrent to one another, but consecutive to Counts 1-3, Count 4, Counts 24-39, and Counts 40-50. Counts 24-39 will run concurrent to each other, but consecutive to Counts 1-3, Count 4, Counts 5-22, and Counts 40-50. Counts 40-50 will run concurrent to one another, but consecutive to Counts 1-3, Count 4, Counts 5-22, and Counts 24-39. Count 23 will run concurrent to Count 1. The total effective sentence to be served is fifty days. Mr. Sneed shall surrender himself to the Davidson County Sheriff's Department within fifteen days of the filing date of this Order.


It is further ORDERED that Mr. Sneed shall pay a \$50.00 fine for each of the fifty counts of contempt, representing a total fine of \$2,500.00.

It is further ORDERED that Mr. Sneed shall pay the costs and expenses of this proceeding to the Board of Professional Responsibility.

It is further ORDERED that Mr. Sneed shall pay the Clerk of this Court the costs incurred herein, for which execution may issue if necessary.

IT IS FURTHER ORDERED, ADJUDGED AND DECREED that, pursuant to Tennessee Rule of Appellate Procedure 42, no petition for rehearing shall be entertained in this matter. The mandate shall issue immediately.

FOR THE COURT:


JANICE M. HOLDER, Chief Justice

Cornelia A. Clark
CORNELIA A. CLARK, Justice

Gary R. Wade
GARY R. WADE, Justice

William C. Koch, Jr.
WILLIAM C. KOCH, JR., Justice

Sharon G. Lee
SHARON G. LEE, Justice

IN THE SUPREME COURT OF TENNESSEE
AT NASHVILLE

IN RE: MICHAEL H. SNEED, BPR NO. 11144
An Attorney Licensed To Practice Law In Tennessee
(Davidson County)

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BOPR No. 2002-1339-5-CH

REPORT OF FINDINGS OF FACT AND CONCLUSIONS OF LAW
AND TRANSMISSION OF THE RECORD OF PROCEEDINGS
BY THE SPECIAL MASTER

This matter arises from a Petition for Order of Criminal Contempt filed in the Supreme Court by the Board of Professional Responsibility (Board) on June 25, 2009, and a Supplemental Petition filed on July 24, 2009. By Order dated July 13, the Supreme Court appointed the undersigned as Special Master to conduct a hearing on the criminal contempt petitions and, upon completion of the hearing, to transmit a record of the proceedings along with a report of findings of fact and conclusions of law.

The Special Master issued an Order to Show Cause setting the time, date and place of the hearing. When the Board brought to the attention of the Special Master the fact that, due to the filing of the Supplemental Petition, Mr. Sneed might not have had sufficient time to prepare a defense, the hearing was delayed and another Show Cause Order was issued.

A hearing was held before the Special Master on September 28, 2009. Mr. Sneed was present at the hearing, but offered no testimony or other evidence in his defense. Mr. Sneed was not represented by counsel at the hearing.

The Board offered the testimony of nine (9) witnesses¹ and introduced more than ninety (90) exhibits. At the end of the hearing both sides were offered the opportunity to submit proposed findings of fact and conclusions of law and the additional opportunity to comment thereafter on any findings/conclusions submitted by the opposing party. The Board submitted its findings and conclusions and Mr. Sneed submitted none. This matter is, therefore, ripe for resolution.

¹ Witnesses called by the Board included: Ana Escobar, Esq.; Beth Garrison, Esq.; Janelle Simmons, Esq.; Sandy Garrett, Esq.; Kimbra Spann, Esq.; Mark Baugh, Esq.; Talmage Watts, Esq.; Franklin Mize and Ryan Knight.

The uncontroverted evidence proves beyond a reasonable doubt that Mr. Sneed knowingly and willfully committed multiple acts of criminal contempt for which he should be sanctioned pursuant to Tenn. Code Ann. §§ 29-9-102(3) and 103.

FINDINGS OF FACT

The following facts were established by the proof beyond a reasonable doubt:

Proceedings leading up to the February 24, 2009, Order of Enforcement

1. Mr. Sneed was first licensed in Tennessee in 1985. [Doc. 4, Collective Ex. 4]²
2. A Petition for Discipline was filed against Mr. Sneed on October 9, 2002 in Docket No. 2002-1339-5-CH. [Doc. 1, Collective Ex. 2] A Supplemental Petition for Discipline was filed on August 11, 2003. [Doc. 2, Collective Ex. 2] Following a hearing conducted on November 17, 2003, at which Mr. Sneed presented no evidence other than his own testimony, the Hearing Panel issued a Judgment on December 29, 2003. [Doc. 3, Collective Ex. 2] The Hearing Panel subsequently granted the Board's Motion to Alter or Amend Judgment and on February 13, 2004, determined that the three (3) six-month periods of suspension imposed by the Judgment should run consecutively, for a total of eighteen (18) months. [Doc. 4, Collective Ex. 2]
3. The Judgment of the Hearing Panel was affirmed by the trial court on April 12, 2006. [Doc. 5, Collective Ex. 6] All of Mr. Sneed's motions were determined by the trial court and a Final Order was entered on August 1, 2008, from which Mr. Sneed did not appeal. [Doc. 6, Collective Ex. 2]
4. The Supreme Court entered an Order of Enforcement on February 24, 2009, accepting the Judgment of the Hearing Panel, as affirmed by the trial court. [Ex. 3] Mr. Sneed was, accordingly, suspended by this Court from the practice of law for a period of 18 months. Pursuant to Section 18.5 of Rule 9, the suspension became effective March 6, 2009.

Mr. Sneed's conduct after the Order of Enforcement was entered

5. On March 20, 2009, Deputy Chief Disciplinary Counsel -- Litigation, Sandy Garrett, wrote Mr. Sneed a letter advising him that it was the Board's position that his license to practice law was suspended. [Doc. 2, Collective Ex. 4]
6. Mr. Sneed filed three (3) attacks on the validity of the February 24 Order: an Objection [Doc. 2, Collective Ex. 5]; a Motion to Stay Enforcement [Doc. 3, Collective Ex. 5], and an Application requesting reconsideration, vacation or modification [Doc. 4, Collective Ex. 5]

² Exhibits introduced at the hearing are referred to herein as "Ex. ____." Documents contained within Collective Exhibits are referred to herein as "Doc. ____."

5] These challenges all were denied and the February 24 Order was reaffirmed in all respect by the Court on March 23, 2009. [Doc. 1, Collective Ex. 5]

7. Mr. Sneed filed a Motion for Full Court Review [Doc. 2, Collective Ex. 6] which was denied *per curiam* on April 6, 2009. [Doc. 1, Collective Ex. 6]

8. On April 15, 2009, Disciplinary Counsel Randall Spivey wrote Mr. Sneed a letter advising that he should comply with the requirements of Section 18 of Rule 9, Rules of the Supreme Court, as required by the February 24 Order. [Doc. 3, Collective Ex. 4]

9. On May 12, 2009, the Presiding Judge of the Davidson County Courts issued an Order pursuant to Section 22 of Rule 9 requiring that Mr. Sneed's client files be seized and inventoried. [Ex. 8] Three Davidson County lawyers were subsequently appointed pursuant to the procedures under Section 22: Ana Escobar, Joseph Davidow, and Jonathan Williams. [Testimony of Ana Escobar, Esq. and Ryan Knight]

Failure to notify clients, opposing counsel and opposing parties

10. Mr. Sneed knowingly and willfully failed to comply with the requirements of Section 18.1(a) of Rule 9 by not notifying his clients by registered or certified mail, return receipt requested, within ten (10) days of the February 24 Order of his suspension. [Ex. 11-17, 19-30, 32-40, and 42-71]

11. Mr. Sneed knowingly and willfully failed to comply with the requirements of Section 18.1(c) of Rule 9 by not notifying opposing counsel in pending matters by registered or certified mail, return receipt requested, within ten (10) days of the February 24 Order of his suspension. [Testimony of Beth Garrison, Esq., Mark Baugh, Esq. and Janelle Simmons, Esq.]

12. Mr. Sneed knowingly and willfully failed to comply with the requirements of Section 18.1(c) of Rule 9 by not notifying adverse parties in pending matters by registered or certified mail, return receipt requested, within ten (10) days of the February 24 Order of his suspension. [Ex. 26, 28, 35, 45, 47, 52, 54, 59, 62, 63, 64, and 74]

Failure to withdraw from representation and undertaking new representation

13. Mr. Sneed knowingly and willfully failed to comply with the requirements of Section 18.6 of Rule 9 by not moving to withdraw from representation in pending proceedings. [Testimony of Beth Garrison, Esq., Mark Baugh, Esq. and Janelle Simmons, Esq.]

14. Mr. Sneed knowingly and willfully violated the prohibition against taking on new clients contained in Section 18.7 of Rule 9 by advertising for new clients on the Spanish radio station WNVL 1240AM on March 2 through 6, 2009; March 9 through 13, 2009; March 16 through 20, 2009; March 23 through 27, 2009; March 30 and 31, 2009; and May 1 through 29, 2009. [Doc. 5, Collective Ex. 4]

15. Mr. Sneed knowingly and willfully violated the prohibition against taking on new clients contained in Section 18.7 of Rule 9, including, but not limited to, the following specific instances:

a. On March 2, 2009, he undertook the representation of Seberino Colemnarez-Bicente and on March 9, 2009, filed a Motion for Change of Venue on the client's behalf in the Immigration Court; [Ex. 46]

b. On March 5, 2009, he undertook the representation of Jose Donis-Ortega and received a fee; he thereafter, on March 9, 2009, filed a Notice of Appearance on behalf of his client in the Immigration Court; [Ex. 49]

c. On March 5, 2009, he undertook the representation of Martin Salazar-Sanchez, received \$400 of a quoted fee of \$750 and filed a Notice of Appearance with Immigration Court; [Ex. 65]

d. On March 6, 2009, he undertook the representation of Maria Del Carmen Frejo-Martinez and filed a Notice of Appearance in the Immigration Court; [Ex. 67]

e. On March 9, 2009, he undertook the representation of Jeronimo Cruz-Medel, received \$400 of the quoted fee of \$750, and filed a Notice of Appearance with the Immigration Court; [Ex. 48]

f. On March 11, 2009, he undertook the representation of Mario Roberto Andrage-Perez, charged a fee of \$750, filed a Notice of Appearance with the Immigration Court, and thereafter on March 16, 2009, filed a Motion for Change of Venue; [Ex. 43]

g. On March 12, 2009, he undertook the representation of Mauro Aguirre-Lerma and received \$300 of the quoted fee of \$750; [Ex. 20]

h. On March 12, 2009, he undertook the representation of Angel Echeverria-Urbina, received \$200 on March 14 and \$200 on March 16, and on March 14, 2009, filed a Notice of Appearance in the Immigration Court; [Ex. 50]

i. On or about March 13, 2009, he undertook the representation of Alejandro Mendoza-Avalos, received \$400 of the quoted fee of \$750, and filed a Notice of Appearance with the Immigration Court; [Ex. 57]

j. On March 19, 2009, he undertook the representation of Casimiro Sanchez and received \$250 of the quoted fee of \$350; [Ex. 14]

k. On March 19, 2009, he undertook the representation of Heraclio Hernandez-Escobedo, quoted a fee of \$750 and filed a Notice of Appearance with the Immigration Court; [Ex. 55]

l. On March 19, 2009, he undertook the representation of Juan Gabriel Moreales-Cruz, received a fee of \$400 and filed a Notice of Appearance with the Immigration Court; [Ex. 58]

m. On March 20, 2009, he undertook the representation of Carlos Zuniga and wrote a letter to an opposing party in a collections matter; [Ex. 70]

n. On March 29, 2009, he undertook the representation of Javier Santiago and on April 3, 2009, obtained a bond in the amount of \$5,000.00; [Ex. 66]

o. On April 27, 2009, he undertook the representation of Oscar Martinez-Rivas; [Ex. 56]

p. On April 27, 2009, he undertook the representation of Roberto Zepeda-Perez in a misdemeanor charge of drug paraphernalia; and [Ex. 69]

q. On May 26, 2009, he undertook the representation of Martha Ramirez, quoted a \$750 fee, prepared and had the client execute a Complaint for Divorce to be filed in the Circuit Court for Davidson County. [Ex. 61]

16. Mr. Sneed knowingly and willfully continued to practice law in connection with on-going matters after the effective date of the suspension imposed by the February 24 Order, including but not limited to the following specific instances:

a. On March 11, 2009, he filed and served an Order on behalf of his client, Luis Tamarit, in the Fourth Circuit Court for Davidson County; [Ex. 15]

b. On March 11, 2009, he filed a Motion to Strike on behalf of his client, Dalia Cinderella Rodriguez, in a case pending in the Fourth Circuit Court of Davidson County; [Ex. 39]

c. On March 12, 2009, he participated in adversary proceedings telephonically in the Immigration Court on behalf of his client, Jose Antonio Collaso-Vidal; [Ex. 47]

d. On or about March 12, 2009, he agreed to an Order to Continue Case Management Conference in a case pending in the Second Circuit Court for Davidson County that he had commenced on behalf of his client, Lemuel Keith Webb; [Ex. 68; Testimony of Mark Baugh, Esq.]

e. On March 13, 2009, he approved for entry and served an Order on behalf of his client, Eder Cornelio Zarte, in a case pending in the Juvenile Court for Davidson County; [Ex. 17]

f. On or about March 13, 2009, he agreed to an Order of Continuance on behalf of his client, Rania Talib Amer, in a case pending in the Eighth Circuit Court for Davidson County; [Ex. 42; Testimony of Janelle Simmons, Esq.]

g. On March 13, 2009, he sent a medical release for records related to the child of his client, Alvaro Balderos Martinez, to Vanderbilt University Children's Hospital; [Ex. 44]

h. On March 13, 2009, he filed a Notice of Appearance with the Immigration Court on behalf of his client, Luis Enrique Perez-Garcia; [Ex. 60]

i. On March 18, 2009, he filed and served a Final Decree of Divorce on behalf of his client, Virginia Ortega, in the Fourth Circuit Court for Davidson County; [Ex. 12]

j. On March 18, 2009, he filed a Notice of Appearance in the Immigration Court on behalf of his client, Armindo Gomez-Cruz; [Ex. 54]

k. On March 18, 2009, he filed a Notice of Appearance in the Immigration Court on behalf of his client, Octabria Zurita-Angeles; [Ex. 71]

l. On or about March 20, 2009, he agreed with opposing counsel to an Order to Set on behalf of his client, Lazaro Valera, in a case pending in the Chancery Court for Sumner County; [Ex. 16; Testimony of Beth Garrison, Esq.]

m. On March 25, 2009, he filed a Motion to Set on behalf of his client, Maria Fernandez, in an action pending in the Circuit Court for Davidson County; [Ex. 51]

n. On April 1, 2009, he filed a Motion to Reschedule Hearing on behalf of his client, Luisa De Maria Garcia; [Ex. 53]

o. On April 23, 2009, he took out a Civil Warrant in the Davidson County General Sessions Court in the case of *Ross v. Stokes* and paid the \$87.75 fee with a check written on his attorney account; and [Ex. 7]

p. On May 4, 2009, he wrote a letter to First Comp Insurance Company on behalf of his client, Miguel Rosales. [Ex. 64]

17. On June 16, 2009, Mr. Sneed was still holding himself out as an attorney and had not removed the "Attorney at Law" legend from the window of his office at 525 Gallatin Pike South, Madison, Tennessee. [Ex. 72; Testimony of Franklin Mize]

Making misrepresentations to courts

18. Mr. Sneed made knowing and willful misrepresentations to the Immigration Court when he filed Notices of Appearance on behalf of his clients and represented that he was a "member in good standing of the bar of the highest court" of Tennessee. [Ex. 43, 48, 49, 50, 54, 55, 57, 58, 60, 65, 67 and 71]

19. Mr. Sneed made a knowing and willful misrepresentation to the Immigration Court on or about April 1, 2009, that the reason his client, Luisa De Maria Garcia, needed to reschedule her master hearing was "her counsel has a conflict with this date due to the necessity of counsel's appearance in Nashville, Tennessee." [Ex. 53]

20. Mr. Sneed made a knowing and willful misrepresentation to Judge Lawrence Burman of the Immigration Court on or about March 16, 2009, when he stated on the record in connection with his representation of his client, Luis Garcia-Perez, that his Tennessee law license was not suspended. [Ex. 96; Testimony of Kimbra Spann, Esq.]

21. The Board commenced an investigation of a complaint filed by Jennifer Barnes, Esq. which alleged that Mr. Sneed had falsely stated to Immigration Court Judge Lawrence Burman on March 16, 2009, in connection with his representation of his client, Luis Garcia-Perez, that his Tennessee law license was not suspended. In response to the allegation Mr. Sneed stated to Disciplinary Counsel Kimbra Spann that the February 24 Order was void. [Doc. 6, Collective Ex. 4; Testimony of Kimbra Spann, Esq.]

22. On April 7, 2009, Mr. Sneed filed a lawsuit in the United States District Court for the Middle District of Tennessee, captioned *Sneed v. Tennessee Supreme Court, et al*, Civil Action No. 3:09-cv-00332. The following filings of Mr. Sneed violated Section 18.7 of Rule 9, Rules of the Supreme Court, because he did not remove all indicia of lawyer, counselor at law, or similar titles from the filings:³

a. the signature block on the Complaint contained Mr. Sneed's BPR number and the legend: Attorney at Law; [Ex. 77]

b. the signature block on the Motion for Preliminary Injunction, which was filed contemporaneously with the Complaint also contained Mr. Sneed's BPR number and the legend: Attorney at Law; [Ex. 78]

c. the signature block on Mr. Sneed's Response to Motion to Dismiss, filed on April 20, 2009, and contained his BPR number and the legend: Attorney at Law; [Ex. 81];

d. the signature block on Mr. Sneed's Motion to Reconsider Temporary Restraining Order, filed on April 20, 2009, contained his BPR number and the legend: Attorney at Law; [Ex. 82]

e. the signature block on Mr. Sneed's Motion to Set Oral Argument, served on April 21, 2009, contained his BPR number and the legend: Attorney at Law; [Ex. 83]

f. the signature block on the Second Amended Complaint contained Mr. Sneed's BPR number and the legend: Attorney at Law; [Ex. 84]

g. the signature block on Mr. Sneed's Motion to Reopen CM-ECF Account, filed April 22, 2009, contained his BPR number; [Ex. 85]

h. the envelope in which Mr. Sneed served his Reply to Defendant's Opposition in Response to Plaintiff's Motion for Preliminary Injunction bore the legend: Attorney at Law; [Ex. 86; Testimony of Talmage Watts, Esq.]

i. the envelope in which Mr. Sneed served his Response to Defendant's Motion to Dismiss Second Amended Complaint bore the legend: Attorney at Law; and [Ex. 87; Testimony of Talmage Watts, Esq.]

³ Assistant Attorney General Talmage Watts testified concerning the course of the Federal Court action.

j. the signature block on Mr. Sneed's Motion for Leave to File Third Amended Complaint, filed May 18, 2009, contained his BPR number. [Ex. 88]

23. Mr. Sneed's injunction motions were denied in the District Court and by the Sixth Circuit Court of Appeals. [Testimony of Talmage Watts, Esq.; Ex. 79, 80 and 89]

Failure to file the required affidavit

24. Mr. Sneed knowingly and willfully failed to comply with the requirements of Section 18.8 of Rule 9 by not filing the required affidavit with the Board of Professional Responsibility within ten (10) days after the effective date of the February 24 Order. [Testimony of Sandy Garrett, Esq.]

Separate acts of criminal contempt

25. An addendum submitted by the Board along with its proposed findings and conclusions, adopted and attached hereto as Exhibit A, which the undersigned has carefully reviewed, shows that the Board proved that Mr. Sneed engaged in at least fifty (50) separate and distinct acts of criminal contempt.

CONCLUSIONS OF LAW

The authority of a court to punish contempt is statutory in Tennessee. Section 29-9-102 of the Tennessee Code Annotated provides:

The power of the several courts to...inflict punishments for contempts of court, shall not be construed to extend to any except the following cases:

...(3) The willful disobedience...of any officer of the such courts...to any lawful writ, process, order, rule, decree, or command of such courts;

Tenn. Code Ann. §29-9-102(3). The punishment for criminal contempt may be by fine up to \$50 and/or imprisonment not exceeding ten (10) days. Tenn.Code Ann. §29-9-102. Criminal acts are deemed to be "willful" when the person "acts intentionally with respect to the nature of the conduct or...when it is the person's conscious objective or desire to engage in the conduct or cause the result." Tenn.Code Ann. §39-11-302(a); *State v. Exelectroplating, Inc.*, 990 S.W.2d 211, 221 n.9 (Tenn. Crim. App. 1998).

As opposed to civil contempt, criminal contempt actions are those that preserve the power of and vindicate the dignity of the court. *Doe v. Board of Professional Responsibility*, 104 S.W.3d 465, 474 (Tenn. 2003). The imposition of the sanction of criminal contempt is unconditional and punitive, inasmuch as a period of incarceration is necessary to punish the willful disobedience of the Court's Order and the contemptuous party cannot be absolved by eventual compliance. *Ahern v. Ahern*, 15 S.W.3d 73, 79 (Tenn. 2000); *Sherrod v. Wix*, 849 S.W.2d 780, 787 (Tenn. App. 1992).

Contempt actions are further categorized as either direct or indirect. As distinguished from acts constituting direct contempt, findings of indirect contempt do not arise from acts committed in the presence of the court. *State v. Turner*, 914 S.W.2d 951, 955 (Tenn. Crim. App. 1995), citing *State v. Maddux*, 571 S.W.2d 819, 821 (Tenn. 1978). Where, as here, the nature of the contempt alleged is both criminal and indirect, the procedures set forth in Rule 42 of the Tennessee Rules of Criminal Procedure apply. *State v. Maddux*, 571 S.W.2d 819, 821 (Tenn. 1978). Rule 42 requires: 1) notice that states the time and place of the hearing, 2) allows the defendant a reasonable time to prepare a defense, and 3) states the essential facts constituting the contempt charged and describes it as criminal in nature. *See* Tenn. R. Crim. Pro. 42.

A person who willfully disobeys a court order and is found to be in criminal contempt as a result, may be sentenced to up to ten (10) days of incarceration and fine \$50. Tenn. Code Ann. § 29-9-102(3). Each discrete act constitutes a distinct incident of contempt and may be punished separately. *Sliger v. Sliger*, 181 S.W.3d 684, 691 (Tenn. App. 2005); *State Bd. Of Dental Examiners v. Talley*, 203 S.W.2d 364, 366 (Tenn. 1947) (defendant dentist guilty of successive acts of contempt, each punishable by fine of \$50, or \$550 total; and imprisonment of 10 days, or total of 110 days). Because the individual's liberty interests are at issue in a charge of criminal contempt, the respondent is presumed to be innocent until he is found guilty beyond a reasonable doubt. *Overnite Trans. Co. v. Teamsters*, 172 S.W.3d 507, 510 (Tenn. 2005); *Doe v. Board of Professional Responsibility*, 104 S.W.3d at 474 (2003). However, once guilt is determined, in order to obtain a reversal, a showing must be made that the evidence preponderates in favor of innocence. *Robinson v. Air Draulics Engineering Co.*, 377 S.W.2d 908, 912 (1964), citing *Nashville Corp. v. United Steelworkers of America*, 215 S.W.2d 818 (1948).

All of the requirements of Rule 42 have been satisfied in this case. The Petition and the Supplemental Petition are clearly styled as requests for the imposition of criminal sanctions and state in detail the facts upon which a finding of criminal contempt may be entered. The Special Master issued an Order to Show Cause setting the time, date and place of the hearing. When the Board brought to the attention of the Special Master the fact that, due to the filing of the Supplemental Petition, Mr. Sneed may not have had sufficient time to prepare a defense, the hearing was delayed and another Show Cause Order was issued.

Due to the criminal nature of the proceeding, Mr. Sneed has no obligation to offer any evidence in his defense. He has not retained counsel and filed no response to either the Petition or Supplemental Petition. He was present at the hearing, but offered no evidence.

Mr. Sneed has repeatedly taken the position in filings before the Supreme Court challenging the validity of the February 24 Order and in his federal court lawsuit that he is not required to comply with the February 24 Order because it is void. Such a contention is not a valid defense to a charge of criminal contempt. It has long been the rule in Tennessee that attorneys must comply with orders entered in proceedings in which the lawyer is a party. Rule of Professional Conduct 8.4(g).

There are two exceptions to the strictures of RPC 8.4(g), neither of which is applicable here. The first exception is present when the attorney cannot comply. Certainly, Mr. Sneed could have complied with the February 24 Order by following the requirements of Section 18 of Rule 9, had he chosen to do so.

The second exception to the requirements of RPC 8.4(g) comes into play when the lawyer is seeking, in good faith, to determine the "validity, scope, meaning, or application of the law upon which the order is based." Supreme Court Rules 8 and 9 constitute the law upon which the February 24 Order is based because that order was entered in connection with a Petition for Discipline upon which Mr. Sneed was found, after a full hearing, to have committed ethical misconduct in violation of Rule 8. None of Mr. Sneed's objections to the February 24 Order constitute challenges to the substance of any provision of either Rule 8 or Rule 9, nor are they challenges to the application of such rules in connection with the discipline imposed by the Hearing Panel and affirmed by the trial court. Instead, Mr. Sneed's attack on the February 24 Order is based on procedural grounds because he argues that the August 1, 2008 order of the trial court was not a final order pursuant to the Tennessee Rules of Civil Procedure.

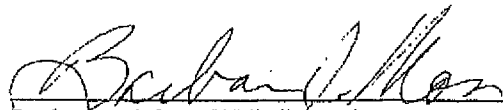
Mr. Sneed's challenges to the validity of the February 24 Order are not timely. He failed to heed the clear language of the trial court's express direction in the August 1, 2008 order: "If the Petitioner is dissatisfied with this Court's rulings, his remedy is to appeal, not to continue filing Motions." Mr. Sneed's own failure to timely appeal from this final order that resulted in the imposition of the discipline waived his right to appeal. Having waived that right, he now cannot be heard to complain about alleged defects in the proceedings below as a defense to his obligation to comply in every respect with the February 24 Order.

In addition, this Court has twice rejected Mr. Sneed's contentions and affirmed the February 24 Order in all respects. Mr. Sneed's repeated failure to comply with a clear, direct order of this Court constitutes willful, criminal contempt for which appropriate sanctions should be imposed.

CONCLUSION

The evidence establishes beyond a reasonable doubt that Mr. Sneed engaged in multiple acts of criminal contempt of the February 24 Order. The undersigned is especially concerned that after he had been suspended from the practice of law Mr. Sneed took money from vulnerable people promising legal services that he could not deliver. Given his repeated and egregious conduct, Mr. Sneed should be sentenced to the maximum permitted by law.

Respectfully submitted,



Barbara J. Moss (BPR #5715)

Special Master

Norris & Norris PLC

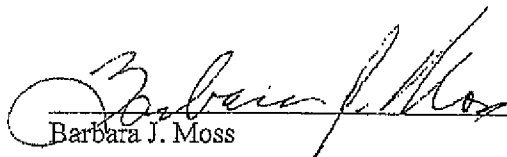
424 Church St, Suite 1300

Nashville, TN 37219

615-627-3959

CERTIFICATE OF SERVICE

I certify that I have served a copy of the foregoing, Report of Findings of Fact and Conclusions of Law by the Special Master and Transmission of the Record of Proceedings upon Petitioner, Nancy S. Jones, Chief Disciplinary Counsel, Board of Professional Responsibility, by regular mail to 1101 Kermit Drive, Suite 730, Nashville, TN 37217, and electronic mail to njones@tbpr.org; and upon Respondent, Michael H. Sneed, by regular mail to 3141 Kinwood Drive, Antioch, Tennessee 37013-1347 and electronic mail to michaelsneed30@live.com on this the 18th day of November, 2009.


Barbara J. Moss

ADDENDUM TO BOARD'S PROPOSED FINDINGS AND CONCLUSIONS

	PROPOSED FINDING NO.	EXHIBIT NO. AND/OR WITNESS	VIOLATION OF FEBRUARY 24 ORDER VIOLATION
1	10	Exhibits 11-17, 19-30, 32-40 and 42-71	Section 18.1(e) of Rule 9 -- failure to give notice of suspension to clients ¹
2	11	Testimony of Beth Garrison, Esq., Mark Baugh, Esq. and Janelle Simmons, Esq.	Section 18.1(c) of Rule 9 -- failure to give notice of suspension to opposing counsel ²
3	12	Exhibits 26, 28, 35, 45, 47, 52, 54, 59, 62, 63, 64 and 74	Section 18.1(c) of Rule 9 -- failure to give notice of suspension to adverse parties ³
4	13	Testimony of Beth Garrison, Esq., Mark Baugh, Esq. and Janelle Simmons, Esq.	Section 18.6 of Rule 9 -- failure to move to withdraw from pending lawsuits ⁴
5	14	Document 5 of Collective Exhibit 4	Section 18.7 of Rule 9 -- prohibition against soliciting for new clients ⁵
6	15(a)	Exhibit 46	Section 18.7 of Rule 9 -- prohibition against

¹ The failure to follow the requirements of Section 18 of Rule 9 is treated here as a single violation of the February 24 Order, although the failure to notify each individual client could constitute a separate violation.

² The failure to follow the requirements of Section 18 of Rule 9 is treated here as a single violation of the February 24 Order, although the failure to notify each opposing counsel in each lawsuit could constitute a separate violation.

³ The failure to follow the requirements of Section 18 of Rule 9 is treated here as a single violation of the February 24 Order, although the failure to give notice to each adverse party could constitute a separate violation

⁴ The failure to follow the requirements of Section 18 of Rule 9 is treated here as a single violation of the February 24 Order, although the failure to withdraw from each lawsuit pending on the effective date of the suspension could constitute a separate violation

⁵ The solicitation of clients by radio advertisements in violation of Section 18 of Rule 9 is treated here as a single violation, although each time the ad ran on each day following the entry of the February 24 Order could constitute a separate violation.



	PROPOSED FINDING NO.	EXHIBIT NO. AND/OR WITNESS	VIOLATION OF FEBRUARY 24 ORDER VIOLATION
7	15(b)	Exhibit 49	undertaking representation of new clients Section 18.7 of Rule 9 -- prohibition against undertaking representation of new clients
8	15(c)	Exhibit 65	Section 18.7 of Rule 9 -- prohibition against undertaking representation of new clients
9	15(d)	Exhibit 67	Section 18.7 of Rule 9 -- prohibition against undertaking representation of new clients
10	15(e)	Exhibit 48	Section 18.7 of Rule 9 -- prohibition against undertaking representation of new clients
11	15(f)	Exhibit 43	Section 18.7 of Rule 9 -- prohibition against undertaking representation of new clients
12	15(g)	Exhibit 20	Section 18.7 of Rule 9 -- prohibition against undertaking representation of new clients
13	15(h)	Exhibit 50	Section 18.7 of Rule 9 -- prohibition against undertaking representation of new clients
14	15(i)	Exhibit 57	Section 18.7 of Rule 9 -- prohibition against undertaking representation of new clients
15	15(j)	Exhibit 14	Section 18.7 of Rule 9 -- prohibition against undertaking representation of new clients
16	15(k)	Exhibit 55	Section 18.7 of Rule 9 -- prohibition against undertaking representation of new clients
17	15(l)	Exhibit 58	Section 18.7 of Rule 9 -- prohibition against undertaking representation of new clients
18	15(m)	Exhibit 70	Section 18.7 of Rule 9 -- prohibition against undertaking representation of new clients
19	15(n)	Exhibit 66	Section 18.7 of Rule 9 -- prohibition against undertaking representation of new clients
20	15(o)	Exhibit 56	Section 18.7 of Rule 9 -- prohibition against

	PROPOSED FINDING NO.	EXHIBIT NO. AND/OR WITNESS	VIOLATION OF FEBRUARY 24 ORDER VIOLATION
21	15(p)	Exhibit 69	undertaking representation of new clients Section 18.7 of Rule 9 – prohibition against undertaking representation of new clients
22	15(q)	Exhibit 61	Section 18.7 of Rule 9 – prohibition against undertaking representation of new clients
23	16	Testimony of Sandy Garrett, Esq.	Section 18.8 of Rule 9 – requirement to file affidavit with Board
24	17(a)	Exhibit 15	Section 18.5 of Rule 9 – practicing after effective date of suspension
25	17(b)	Exhibit 39	Section 18.5 of Rule 9 – practicing after effective date of suspension
26	17(c)	Exhibit 47	Section 18.5 of Rule 9 – practicing after effective date of suspension
27	17(d)	Exhibit 68; testimony of Mark Baugh, Esq.	Section 18.5 of Rule 9 – practicing after effective date of suspension
28	17(e)	Exhibit 17	Section 18.5 of Rule 9 – practicing after effective date of suspension
29	17(f)	Exhibit 42; testimony of Janelle Simmons, Esq.	Section 18.5 of Rule 9 – practicing after effective date of suspension
30	17(g)	Exhibit 44	Section 18.5 of Rule 9 – practicing after effective date of suspension
31	17(h)	Exhibit 60	Section 18.5 of Rule 9 – practicing after effective date of suspension
32	17(i)	Exhibit 12	Section 18.5 of Rule 9 – practicing after effective date of suspension
33	17(j)	Exhibit 54	Section 18.5 of Rule 9 – practicing after effective date of suspension
34	17(k)	Exhibit 71	Section 18.5 of Rule 9 – practicing after effective date of suspension

	PROPOSED FINDING NO.	EXHIBIT NO. AND/OR WITNESS	VIOLATION OF FEBRUARY 24 ORDER VIOLATION
35	17(l)	Exhibit 16; testimony of Beth Garrison	date of suspension Section 18.5 of Rule 9 -- practicing after effective date of suspension
36	17(m)	Exhibit 51	date of suspension Section 18.5 of Rule 9 -- practicing after effective date of suspension
37	17(n)	Exhibit 53	date of suspension Section 18.5 of Rule 9 -- practicing after effective date of suspension
38	17(o)	Exhibit 7	date of suspension Section 18.5 of Rule 9 -- practicing after effective date of suspension
39	17(p)	Exhibit 64	date of suspension Section 18.5 of Rule 9 -- practicing after effective date of suspension
40	19	Exhibit 72; testimony of Franklin Mirze	date of suspension Section 18.7 of Rule 9 -- failing to remove indicia of lawyer
41	23(a)	Exhibit 77	date of suspension Section 18.7 of Rule 9 -- failing to remove indicia of lawyer
42	23(b)	Exhibit 78	date of suspension Section 18.7 of Rule 9 -- failing to remove indicia of lawyer
43	23(c)	Exhibit 81	date of suspension Section 18.7 of Rule 9 -- failing to remove indicia of lawyer
44	23(d)	Exhibit 82	date of suspension Section 18.7 of Rule 9 -- failing to remove indicia of lawyer
45	23(e)	Exhibit 83	date of suspension Section 18.7 of Rule 9 -- failing to remove indicia of lawyer
46	23(f)	Exhibit 84	date of suspension Section 18.7 of Rule 9 -- failing to remove indicia of lawyer
47	23(g)	Exhibit 85	date of suspension Section 18.7 of Rule 9 -- failing to remove indicia of lawyer
48	23(h)	Exhibit 86; testimony of Tainage Watts, Esq.	date of suspension Section 18.7 of Rule 9 -- failing to remove indicia of lawyer

PROPOSED FINDING NO.	EXHIBIT NO. AND/OR WITNESS	VIOLATION OF FEBRUARY 24 ORDER VIOLATION
49	23(i) Exhibit 87; testimony of Talmage Watts, Esq.	lawyer Section 18.7 of Rule 9 -- failing to remove indicia of lawyer
50	23(j) Exhibit 88	lawyer Section 18.7 of Rule 9 -- failing to remove indicia of lawyer

Michael W. Catalano, Clerk, hereby certify that this is a true and exact copy of the original

filed in the cause.

This 20 day of Jan, 20 10

By: [Signature] CLERK OF COURT D.C.