

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

**FILED**  
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BOARD OF PROFESSIONAL  
RESPONSIBILITY  
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**IN RE: PAUL JAMES SPRINGER,  
BPR No. 21267, Respondent,  
an Attorney Licensed to Practice  
Law in Tennessee (Shelby County)**

**DOCKET NO. 2017-2683-9-AW**

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**JUDGMENT OF THE HEARING PANEL**

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This cause came for hearing before this Hearing Panel of the Board of Professional Responsibility of the Supreme Court of Tennessee on January 25, 2018 at the law firm of Baker Donelson Bearman Caldwell, & Berkowitz, 165 Madison Avenue, Memphis, Tennessee. This cause was heard pursuant to Rule 9, Rules of the Tennessee Supreme Court. This Hearing Panel, Karen M. Campbell (chair), Terrence O. Reed and Buckner P. Wellford, after considering the entire file in this matter, including the Petition for Discipline, Supplemental Petition for Discipline, the June 23, 2016 Order of Enforcement, the May 19, 2006 Public Censure, the affidavit submitted by Disciplinary Counsel, arguments presented to this Panel, and after thorough deliberations, makes the following Findings of Fact, Conclusions of Law and renders its judgment in this cause.

## **BACKGROUND AND PREVIOUS DISCIPLINARY HISTORY**

Respondent Paul James Springer was licensed to practice law in 2001 with Board of Professional Responsibility Number #21267. In May 2006, Mr. Springer was publicly censured for his gross negligence and his continued failure to comply with the Tennessee Rules of Appellate Procedure and the orders of the Tennessee Court of Criminal Appeals. (Public Censure, Exhibit 4) In 2004, Mr. Springer filed three notices of appeal on behalf of three criminal defendants as court-appointed counsel. (Public Censure, Exhibit 4) According to the Public Censure, the record before the Tennessee Court of Criminal Appeals reflected that in each of these cases, Mr. Springer was "exceedingly dilatory and failed to file his brief despite being granted 3-4 extensions of time by the Court in each case over nearly 6 months between the Spring and Fall of 2005." (Public Censure, Exhibit 4) Based upon this conduct he was "adjudged to be in willful contempt" pursuant to orders filed by the Court of Criminal Appeals in the three cases and was discharged as counsel. He also failed "to pay the \$50 fine and costs in each of [the] cases . . . as ordered and . . . the Court of Criminal Appeals filed a subsequent show cause order setting a hearing for respondent's failure to comply by the deadline." (Public Censure, Exhibit 4) The respondent appeared and paid all the assessed contempt fines and costs. At that time, the hearing panel found that Mr. Springer's instances of neglect appeared to be limited to a specific time in 2005 and the panel noted that Mr. Springer had only been practicing law a few years.

On June 23, 2016, Mr. Springer was suspended from the practice of law by Order of the Tennessee Supreme Court for two years and sixty days. (Order of Enforcement, Exhibit 3) His suspension resulted from two complaints of ethical misconduct. (Order of Enforcement, Exhibit 3) He was found to have used his trust account over a five-year period to pay personal and

( business expenses. In the second matter, Mr. Springer settled a personal injury matter and retained \$100,000 to pay medical and judgment liens for his client, litigation expenses and attorneys fee. The client continued to receive medical bills but he took no action. The client demanded an accounting and Mr. Springer failed to comply. Mr. Springer refused to release the settlement funds to the client upon her request. (Order of Enforcement, Exhibit 3)

As a result, Mr. Springer was ordered to serve a minimum active suspension of sixty days and the suspension was ordered to continue indefinitely until he paid restitution in the amount of \$10,000, engaged a practice monitor for the duration of his probation, completed six (6) additional hours of continuing education and obtained professional liability insurance in coverage amounts of \$100,000/\$200,000. (Order of Enforcement, Exhibit 3) Mr. Springer was ordered to pay the costs of his disciplinary matter and was ordered not to return to the active practice of law until an order of reinstatement had been entered by the Supreme Court. (Order of Enforcement, Exhibit 3).

### **PROCEDURAL HISTORY OF PRESENT MATTER**

The Respondent Mr. Springer was suspended from the practice of law when the violations making up this case were considered by the Hearing Panel. The Board of Professional Responsibility filed a Petition for Discipline against the Respondent on February 14, 2017. That Petition contained four separate complaints: 45075-9-PS; 47846-9-PS; 49640-9-PS; and 49692-9-PS. Disciplinary Counsel served the petition to the Respondent by certified mail and email.

( A Supplemental Petition for Discipline was filed and served on August 14, 2017. This Supplemental Petition contained an additional seven complaints: 49386c-9-PS; 48266c-9-PS; 50076c-9-PS; 50111c-9-PS; 51042-9-PS; 51937c-9-PS and 52135-9-PS.

The Respondent Mr. Springer did not file a timely response to the Petition for Discipline or the Supplemental Petition for Discipline.

On October 2, 2017, The Board of Professional Responsibility submitted a Motion for Default Judgment and that the Charges in the Petition for Discipline and Supplemental Petition for Discipline be Deemed Admitted. The Respondent Mr. Springer did not file a response to the motion.

The matter was heard in a telephonic hearing on November 13, 2017 and the Hearing Panel decided that the Respondent should be allowed additional time to answer the outstanding petitions. The Panel denied the Motion for Default Judgment and ruled that Mr. Springer would "have up to and including the close of business on November 28, 2017" to file Answers to the Petition for Discipline and Supplemental Petition for Discipline. The order stated, "Mr. Springer is on notice that no extension of time for filing an answer beyond November 28 will be allowed." (Order Denying Default Judgment, Nov. 14, 2017).

On November 27, 2017 at 7:57 p.m. Mr. Springer emailed the Hearing Panel an "emergency motion" for an extension of time to extend the deadline. The motion he emailed bore a docket number from another, unrelated matter (2017-2760-9-AW). The basis of the emergency motion was a filing of a Supplemental Petition for Discipline by the Board of Professional Responsibility in another matter and Mr. Springer's assertion that the filing required an extension of the deadline for him to review and prepare an answer to the matters pending before the Hearing Panel. Counsel for the Board informed this Hearing Panel that Docket No 2017-2760-9-AW was a separate and unrelated disciplinary action against Mr. Springer assigned to a different hearing panel. This Hearing Panel interpreted the emergency

( motion as an oral motion by Mr. Springer for an extension of time in the present disciplinary action pending before this Panel.

The written motion submitted to this Panel by email detailed that Mr. Springer had been out of the state until November 25, 2017. Thus, based upon his submission, he had returned to Memphis three days before his responses to the Board were due for the present Petition for Discipline and Supplemental Petition for Discipline and he wanted additional time to respond.

The Hearing Panel denied the Respondent's Emergency Motion for the Extension.

( The Hearing Panel provided Mr. Springer with a specific deadline by which his responses were to be filed and gave notice that no further extension of time would be allowed. Despite this, Mr. Springer faxed responses to the pending disciplinary Petition and Supplemental Petition to the Board of Professional Responsibility in the early morning hours of November 29, 2017, in violation of the Hearing Panel's Order of November 14, 2017. Mr. Springer's responses to the pending Petition for Discipline and the Supplemental Petition for Discipline were deemed untimely because they were submitted after the deadline set forth in the Panel's Order.

On November 29, 2017, the Board filed a Renewed Motion for Default Judgment and That The Charges in the Petition for Discipline and Supplemental Petition for Discipline Be Deemed Admitted. Mr. Springer filed no response to the Board's motion.

( On December 14, 2017, a majority of the panel granted the Board's Renewed Motion for Default Judgment and That The Charges in the Petition for Discipline and Supplemental Petition for Discipline Be Deemed Admitted. The parties were notified of the Panel's decision by email. Later that evening, Mr. Springer sent an email to the Panel members asking to be heard before the entry of an order granting the default. The Panel considered his email to be an oral motion to

reconsider the Panel's ruling granting the Board's renewed motion for default judgment. The Panel denied Mr. Springer's motion filed by email and later by an order dated Dec. 18, 2017. The Board's Renewed Motion for Default was filed November 29, 2017 and Mr. Springer had adequate notice of the renewed motion; he failed to file a response within the two weeks following the filing of the motion and then as has been his pattern, he asked for relief at the last minute and after being notified a ruling was made against him.

An Order for Default Judgment was entered December 15, 2017. The Order was mailed to Mr. Springer at his home address.

#### **THE ALLEGATIONS DEEMED ADMITTED**

By virtue of the Order for Default Judgment entered December 15, 2017 the allegations in the Petition for discipline filed February 14, 2017 and the allegations in the Supplemental Petition filed August 14, 2017 have been deemed admitted.

Those allegations deemed admitted are as follows:

##### **Complaints in the Petition for Discipline**

##### **File No. 45075-9-PS client Pamela Lott**

Pamela Lott filed a complaint on November 18, 2015 alleging unethical conduct by Mr. Springer. Ms. Lott alleged that on or about 2008, Lott hired Mr. Springer to represent her in a medical malpractice action. While he filed a lawsuit on her behalf on August 7, 2009, she alleged that he failed to maintain reasonable communication with her and missed scheduled meetings with her. She complained that her case was continued several times without notification to her or her authorization. Mr. Springer did respond to Ms. Lott's allegations at the time they were made, and he said medical malpractice action was set for trial in 2016. The Board of Professional Responsibility alleged that the acts and omissions by Mr. Springer constituted unethical conduct in violation of RPC 1.3; 1.4; and 8.4. These are deemed admitted.

**File No. 47846-9-PS client Gregory Jeffreys**

The Petition contained a second complaint against Mr. Springer submitted by his client Gregory Jeffreys. Mr. Jeffreys filed a complaint June 13, 2016 alleging unethical conduct by Mr. Springer. Mr. Jeffreys' complaint alleged that he hired Mr. Springer to represent him for a breach of contract, statutory bad faith, Consumer Protection Act and negligent interference with contract case related to the total loss of Mr. Jeffreys' home to fire. Mr. Springer failed to respond to a motion for partial summary judgment in the case and in March 2015 the United States District Court for the Western District of Tennessee entered an Order to Show cause directing Mr. Jeffreys to file a response demonstrating why his claim should not be dismissed for failure to prosecute. The Order to Show Cause was electronically served upon Mr. Springer. The Board alleged that Mr. Springer failed to notify Mr. Jeffreys of the issuance of the Order to Show Cause and Mr. Springer failed to notify Mr. Jeffreys of the necessity to respond to the order. Mr. Springer failed to notify Mr. Jeffreys of the consequences of failing to file a proper and timely response. Mr. Springer owed a duty to Mr. Jeffreys to file a proper and timely response and Mr. Springer failed to file such a response. Mr. Springer also failed to notify Mr. Jeffreys that Mr. Springer would not file any response to the motion for partial summary judgment or the Order to Show Cause. The Board alleged in the petition that during the representation of Mr. Jeffreys, Mr. Springer experienced significant health problems and certain personal problems which impacted his professional practice and materially limited his ability to represent Mr. Jeffreys.<sup>1</sup> Mr. Springer failed to disclose these professional limitations to Mr. Jeffreys. As a direct

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<sup>1</sup> As set forth in the body of the opinion, the panel deemed Mr. Springer's Responses to the Petition and Supplemental Petition to be filed outside the deadline set which has been a pattern of conduct for Mr. Springer. As such, a default judgment was entered. In response to this allegation that Mr. Springer was experiencing significant health problems which the Panel would consider in mitigation, Mr. Springer "expressly denied" the allegations in his late filed Response to Petition for Discipline.

consequence of Mr. Springer's failure to communicate with Mr. Jeffreys and file a proper and timely response to the motion for partial summary judgment and the order to show cause, the District Court entered an order dismissing claims for failure to prosecute with prejudice on April 20, 2015.

The Board of Professional Responsibility alleged that the acts and omissions by Mr. Springer constituted unethical conduct in violation of RPC 1.2; 1.3; 1.4; 1.7; and 8.4. These violations are deemed admitted.

**File No. 49640-9-PS, attorney Kimberly Shields, Esq.**

In the third complaint set forth in the Petition, attorney Kimberly Shields, Esq. alleged unethical conduct by Mr. Springer. Effective July 3, 2016, Mr. Springer was suspended from the practice of law for two years and 60 days and ordered to pay restitution of \$10,000 to a former client, Vequitia Barnes. After the entry of the order of enforcement, Ms. Barnes retained attorney Shields to collect the restitution awarded Ms. Barnes plus interest. Attorney Shields contacted Mr. Springer and made demands for payment of the restitution with interest. Despite knowledge of Ms. Shields representation of Ms. Barnes, Mr. Springer bypassed Ms. Shields and contacted Ms. Barnes directly by letter dated September 30, 2016. Mr. Springer did not have Ms. Shields permission to contact her client.

The Board of Professional Responsibility alleged that the acts and omissions by Mr. Springer constituted unethical conduct in violation of RPC 4.2 and 8.4. This was deemed admitted by the Order of Default Judgment.

**File number 49692-9-PS, attorney Jennifer Mitchell, Esq.**

The Petition for discipline contained a fourth complaint filed by attorney Jennifer Mitchell, Esq. on October 17, 2016 alleging unethical conduct by Mr. Springer. Attorney Mitchell leased office space



from Mr. Springer for approximately 2 years. Mr. Springer was suspended from the practice of law effective July 3, 2016. Pursuant to Tenn. Sup. Ct. R. 9 § 18.6, Mr. Springer was required to withdraw from all representation or file appropriate motions with the court for leave to withdraw on or before the effective date of the order of enforcement entered June 23, 2016. Pursuant to Tenn. Sup. Ct. R. 9 § 18.7, Mr. Springer was prohibited for maintaining a presence or occupying an office where the practice of law is conducted as of July 3, 2016. Pursuant to Tenn. Sup. Ct. R. 9 § 18.7, Mr. Springer was required to take such action as necessary to remove any indicia of lawyer, counselor at law, legal assistant, law clerk or similar title as of July 3, 2016. Subsequent to July 3, 2016 Mr. Springer appeared in his office and met with at least one client. While suspended he appeared in his office, met at least one client, spoke to a judge on the phone, and did not advise the judge he had been suspended. He also received a phone call from a judge and scheduled telephone conference call for Ms. Mitchell. During the phone call with the judge Mr. Springer did not inform the court he was actively suspended. Upon information belief, Mr. Springer did not comply with the order of enforcement entered June 23, 2016, and substitute counsel motions with the appropriate courts to remove himself as attorney of record on or before July 3, 2016. Upon information and belief Mr. Springer did not comply with the Tenn. Sup. Ct. R. 9 § 18.6 and substitute counsel or file the required motions with the appropriate courts to remove himself as attorney of record on or before July 3, 2016.

The Board of Professional Responsibility alleged that the acts and omissions by Mr. Springer constituted unethical conduct in violation of RPC 1.16 and 8.4. These were deemed admitted by the Judgment of Default.

**Complaints in the Supplemental Petition for Discipline**

On August 14, 2017, the Board of Professional Responsibility filed a Supplemental Petition for discipline with six additional complaints. Out of the six complaints Mr. Springer only filed a response to one at the time the complaint was filed with the Board. He failed to timely respond to the Supplemental Petition for discipline. The allegations in the Supplemental Petition have been deemed admitted.

**File number 49386c-9-PS Mardi Coston-Jackson**

In file number 49386c-9-PS, Mardi Coston-Jackson filed a complaint on September 20, 2016 alleging unethical conduct in her son's case. On November 22, 2016, the Board sent a copy of the complaint to Mr. Springer and requested a response within 10 days. Mr. Springer provided a response on December 30, 2016, thirty-eight days later.

Mr. Springer was suspended from the practice of law on June 23, 2016. Prior to his suspension Ms. Coston-Jackson retained Mr. Springer to represent her son Devin Coston in a criminal case for which she paid him a \$6,000 fee. Mr. Springer failed to notify Ms. Coston-Jackson or Mr. Coston, or opposing counsel of his suspension as required by Tenn. Sup. Ct. R. 9 § 28.2. Mr. Springer failed to return his file to his clients as required by Tenn. Sup. Ct. R. 9 § 28.5; he failed to refund the unearned portion of the fee as required by Tenn. Sup. Ct. R. 9 § 28.6; he failed to withdraw from his representation as required by Tenn. Sup. Ct. R. 9 § 28.7; he failed to file with the board the affidavit required by Tenn. Sup. Ct. R. 9 § 28.9. By failing to comply with the provisions of Tenn. Sup. Ct. R. 9 § 28, Mr. Springer violated RPC 8.4(g).

The Board of Professional Responsibility alleged that the acts and omissions by Mr. Springer constituted unethical conduct in violation of RPC 8.4 (a) and (g).

According to Exhibit A of the Supplemental Petition for Discipline, Ms. Coston's-Jackson complaint, she was not told about Mr. Springer's suspension during the representation of

her son. She alleged that Mr. Springer, once suspended, enlisted an attorney to handle the case without Ms. Coston-Jackson's knowledge. When the Judge hearing her son's matter learned of the situation, the judge appointed an attorney to represent her son.

In his written response to the Board made in 2016, Mr. Springer did not address the primary allegations that his clients were not told of the suspension. Mr. Springer stated in his letter to the Board that he called Ms. Jackson and formally advised her of his suspension *after* she had already learned about his suspension and after she had filed her complaint with the Board.

**File number 48266c-9-PS client Courtnie Bell**

In File number 48266c-9-PS client Courtnie Bell filed a complaint on July 11, 2016 alleging unethical conduct by Mr. Springer.

Ms. Bell retained Mr. Springer to represent her in a criminal case in March 2016 for which she paid him a \$755 fee. Mr. Springer failed to notify Ms. Bell or opposing counsel of his June 2016 suspension as required by Tenn. Sup. Ct. R. 9 § 28.2. Mr. Springer failed to return his file to his clients as required by Tenn. Sup. Ct. R. 9 § 28.5; he failed to refund the unearned portion of the fee as required by Tenn. Sup. Ct. R. 9 § 28.6; he failed to withdraw from his representation as required by Tenn. Sup. Ct. R. 9 § 28.7; he failed to file with the board the affidavit required by Tenn. Sup. Ct. R. 9 § 28.9. By failing to provide a response to the complaints, Mr. Springer violated RPC 8.1(b) (Bar Admission and Disciplinary Matters). By failing to comply with the provisions of Tenn. Sup. Ct. R. 9 § 28, Mr. Springer violated RPC 8.4(g) (Misconduct).

Ms. Bell alleges in her complaint that Mr. Springer did not appear in her criminal case and failed to appear for the court matter when her car was seized. Ms. Bell said Mr. Springer's

office gave her the runaround. She said she learned he was suspended from the practice of law from the judge hearing her case and not from Mr. Springer. (Exhibit E to the Supplemental Petition). Mr. Springer did not respond to this complaint.

The Board of Professional Responsibility alleged that the acts and omissions by Mr. Springer constituted unethical conduct in violation of RPC 8.1(b) and 8.4 (a) and (g). These have been deemed admitted.

**File Number 50076c-9-PS Auldon Burress Bowie**

In File Number 50076c-9-PS Auldon Burress Bowie filed a complaint on April 12, 2016 alleging unethical conduct by Mr. Springer. On January 23, 2017 Monica Burress filed a complaint. The complaints were sent to Mr. Springer but he did respond.

Prior to Mr. Springer's June 2016 suspension, Ms. Burress retained Mr. Springer to represent her son in a criminal case for which he was paid a \$3,500 fee. Mr. Springer failed to take any substantive action in representation of Mr. Bowie. Mr. Springer failed to reasonably communicate with Mr. Bowie. Mr. Springer failed to notify Ms. Burress or Mr. Bowie or opposing counsel of his June 2016 suspension as required by Tenn. Sup. Ct. R. 9 § 28.2. Mr. Springer failed to return his file to his clients as required by Tenn. Sup. Ct. R. 9 § 28.5; he failed to refund the unearned portion of the fee as required by Tenn. Sup. Ct. R. 9 § 28.6; he failed to withdraw from his representation as required by Tenn. Sup. Ct. R. 9 § 28.7; he failed to file with the board the affidavit required by Tenn. Sup. Ct. R. 9 § 28.9. By failing to take any substantive action in representation of Mr. Bowie, Mr. Springer violated RPC 1.3 (Diligence). By failing to reasonably communicate with Mr. Bowie, Mr. Springer violated RPC 1.4 (Communication). By failing to provide a response to the complaints, Mr. Springer violated RPC 8.1(b) (Bar

Admission and Disciplinary Matters). By failing to comply with the provisions of Tenn. Sup. Ct. R. 9 § 28, Mr. Springer violated RPC 8.4(g) (Misconduct).

The Board of Professional Responsibility alleged that the acts and omissions by Mr. Springer constituted unethical conduct in violation of RPC 1.3 (Diligence); 1.4( Communication) 8.1(b) (Bar Admission and Disciplinary Matters) and 8.4 (a) and (g). These have been deemed admitted.

Mr. Springer was hired to represent Mr. Bowie is a serious criminal matter and the family advised that Mr. Springer failed to do anything except get the case continued and ask for money. He met family members twice at Home Depot to collect \$500 and did not give a receipt. (Exhibits G and H)

**File number 50111c-9-PS Eldridge Hill Jr.**

In File number 50111c-9-PS Eldridge Hill Jr. filed a complaint November 16, 2016 alleging unethical conduct by Mr. Springer. The complaint was sent to Mr. Springer but he did not respond.

Prior to Mr. Springer's June 2016 suspension, Mr. Hill retained Mr. Springer to represent him in a postconviction matter for which Mr. Hill paid Mr. Springer a \$5,000 fee. Mr. Springer failed to take any substantive action on the case, failed to reasonably communicate with Mr. Hill and failed to notify Mr. Hill of his suspension as required by Tenn. Sup. Ct. R. 9 § 28.2. Mr. Springer also failed to notify opposing counsel of his suspension as required by Tenn. Sup. Ct. R. 9 § 28.2. Mr. Springer failed to return his file to his client as required by Tenn. Sup. Ct. R. 9 § 28.5; he failed to refund the unearned portion of the fee as required by Tenn. Sup. Ct. R. 9 § 28.6; he failed to withdraw from his representation as required by Tenn. Sup. Ct. R. 9 § 28.7; he failed to file with the Board the affidavit required by Tenn. Sup. Ct. R. 9 § 28.9. By failing to

take any substantive action in representation of Mr. Hill, Mr. Springer violated RPC 1.3 (Diligence). By failing to reasonably communicate with Mr. Hill, Mr. Springer violated RPC 1.4 (Communication). By failing to provide a response to the complaints, Mr. Springer violated RPC 8.1(b) (Bar Admission and Disciplinary Matters). By failing to comply with the provisions of Tenn. Sup. Ct. R. 9 § 28, Mr. Springer violated RPC 8.4(g) (Misconduct).

The Board of Professional Responsibility alleged that the acts and omissions by Mr. Springer constituted unethical conduct in violation of RPC 1.3 (Diligence); 1.4(Communication) 8.1(b) (Bar Admission and Disciplinary Matters) and 8.4 (a) and (g).

According to Exhibit G to the Supplemental Petition, Mr. Hill explained in an August 17, 2016 letter to Mr. Springer that he (Mr. Hill) provided Mr. Springer with \$5,000 in September or October 2015 and that Mr. Springer missed certain deadlines to file post-conviction motions to Mr. Hill's detriment. Mr. Springer did not respond to the Complaint from Mr. Hill.

**File Number 51042-9-PS Gylon Greer**

Gylon Greer filed a complaint on January 22, 2017 alleging unethical conduct against Mr. Springer. In October 2012 Mr. Greer retained Mr. Springer to represent him and his security company, Secure Guard and Patrol Services, Inc. in a breach of contract case filed in the Shelby County Circuit Court against the Federal Home Loan Mortgage Corporation and Makowsky Ringel Greenberg, LLC. Mr. Greer paid Mr. Springer a \$6,000 fee. The case was removed by the defendants to the United States District Court for the Western district of Tennessee on July 28, 2014. Mr. Springer did not advise Mr. Greer the case had been removed to federal court. Mr. Springer failed to provide the initial discovery disclosures required by the scheduling order. On March 12, 2014 the defendants filed a motion to compel and Mr. Springer did not advise Mr. Greer a motion to compel had been filed. Mr. Springer did not respond to the motion to compel.

On July 7, 2014 the court entered an order granting the motion to compel and awarded sanctions against Mr. Greer in the security company in the amount of \$1,560. Mr. Springer still did not produce responses to the defendant's discovery. On March 4, 2015 defendants filed a second motion to compel and Mr. Springer did not respond to that motion to compel nor did he advise Mr. Greer of the second motion to compel. On August 19, 2015 the court entered an order granting the second motion to compel and dismissed the action with prejudice. Mr. Springer did not advise Mr. Greer that the case had been dismissed.

On numerous occasions while the case was pending Mr. Greer telephoned and texted Mr. Springer to inquire about the status of the case and Mr. Springer rarely replied. On numerous occasions while the case is pending Mr. Greer scheduled appointments with Mr. Springer to discuss the status of the case and Mr. Springer failed to appear for the appointments. While the case was pending Mr. Springer intentionally misrepresented to Mr. Greer that a mediation was scheduled. While the case was pending Mr. Springer intentionally misrepresented to Mr. Greer the defendants had made a settlement offer. While the case was pending in the United States District Court, after Mr. Greer discovered the state Circuit Court case had been dismissed but not knowing it had been removed to the United States District Court, Mr. Springer intentionally misrepresented to Mr. Greer he had appeal the dismissal of the Circuit Court case. While the case was pending Mr. Springer intentionally misrepresented to Mr. Greer he had interviewed the material witnesses. While the case was pending Mr. Greer demanded Mr. Springer provide him with the file so you might he might retain a new lawyer, but that Mr. Springer refused to do so. By failing to produce discovery requests responses, respond motions to compel or take any other action to prosecute the case Mr. Springer violated RPC 1.3 (Diligence). By failing to reasonably and promptly respond to Mr. Greer and by failing to advise Mr. Greer regarding material

developments in the case, Mr. Springer violated RPC 1.4 (Communication). By failing to provide a response to the complaint, Mr. Springer violated RPC 8.1(b) (Bar Admission and Disciplinary Misconduct). The acts and omissions by Mr. Springer set forth above constitute unethical conduct in violation of RPC 1.3 (Diligence); 1.4(Communication) 8.1(b) (Bar Admission and Disciplinary Matters) and 8.4 (a) and (c). These allegations have been deemed admitted.

**File number 51937c-9-PS Complaint of Kenneth Jackson.**

Kenneth Jackson filed a complaint on March 28, 2017 against Mr. Springer alleging unethical conduct. The board sent a copy of the complaint to Mr. Springer and he did not respond.

Prior to Mr. Springer's June 2016 suspension, Mr. Jackson retained Mr. Springer to represent him in a criminal case for which he paid him a \$600 fee. Mr. Springer failed to reasonably communicate with Mr. Jackson. Mr. Springer failed to notify Mr. Jackson or opposing counsel of his June 2016 suspension as required by Tenn. Sup. Ct. R. 9 § 28.2. Mr. Springer failed to return his file to his client as required by Tenn. Sup. Ct. R. 9 § 28.5; he failed to refund the unearned portion of the fee as required by Tenn. Sup. Ct. R. 9 § 28.6; he failed to file with the board the affidavit required by Tenn. Sup. Ct. R. 9 § 28.9. By failing to communicate with Mr. Jackson, Mr. Springer violated RPC 1.4 (Communication). By failing to provide a response to the complaint, Mr. Springer violated RPC 8.1(b) (Bar Admission and Disciplinary Matters). By failing to comply with the provisions of Tenn. Sup. Ct. R. 9 § 28, Mr. Springer violated RPC 8.4(g) (Misconduct).



( The acts and omissions by Mr. Springer set forth above constitute unethical conduct in violation of RPC 1.4(Communication) 8.1(b) (Bar Admission and Disciplinary Matters) and 8.4 (a) and (g). These have been deemed admitted.

According to the Complaint by Mr. Jackson, he paid for representation in criminal court. Mr. Springer did not show up. The judge advised Mr. Jackson that Mr. Springer was not going to represent him and appointed a public defender. Mr. Springer did not respond to the Complaint.

#### **52135-9-PS Complaint of Jairus Lee**

( Former client Jairus Lee filed a complaint on March 6, 2017 against Mr. Springer alleging unethical conduct. A copy of the complaint was sent to Mr. Springer but he did not respond. Mr. Lee retained Mr. Springer to file an action for personal injuries sustained in an automobile accident on January 25, 2013. On January 31, 2014 Mr. Springer filed a civil warrant in General Sessions Court for Shelby County seeking damages for personal injuries as a result of the January 25, 2013 automobile accident. Mr. Springer failed to file the suit within the one-year statute of limitations. By failing to timely file the suit Mr. Springer violated RPC 1.1 (Competence) and 1.3 Diligence. By failing to provide a response to the complaint Mr. Springer violated RPC 8.1(b) (Bar Admission and Disciplinary Matters).

The acts and omissions by Mr. Springer set forth above constitute unethical conduct in violation of RPC 1.1 (Competence), 1.3 (Diligence) 8.1(b) (Bar Admission and Disciplinary Matters) and 8.4 (a). These have been deemed admitted.

#### **SCHEDULING OF THE DISCIPLINARY HEARING**

( After the Hearing Panel granted the Board of Professional Responsibility's Renewed Motion for Default Judgment, the Board of Responsibility undertook efforts to schedule a hearing to determine the appropriate discipline, if any, for Mr. Springer. The secretary for the

Board of Professional Responsibility sent an email to Panel Members on December 29, 2017 advising that she was attempting to schedule the hearing. On December 29, 2017 and January 4, 2018, she advised that she had not heard back from Mr. Springer regarding a hearing date. With no response from Mr. Springer, the hearing was scheduled for January 25, 2018 and Notice of Hearing was mailed to Mr. Springer. A reminder of the hearing was sent by email on January 22, 2018 to three email addresses associated with Mr. Springer.

#### **LAST MINUTE MOTIONS BY RESPONDENT**

Two days prior to the scheduled hearing, Mr. Springer filed a Motion to Recuse (filed January 23, 2018), a Motion to Disqualify Counsel (filed January 23, 2018), a Motion to Continue Hearing Until Disposition of Petitioner's Motions (January 23, 2018) and Motion to Set Aside the Hearing Panel's Order Granting the Board's Motion for Default Judgment (filed January 24, 2018).

##### **Motion to Disqualify Disciplinary Counsel**

The Respondent filed a motion to have Disciplinary Counsel Russ Willis disqualified from further participation in the case. In the motion, Mr. Springer alleged that Mr. Willis was subject to being called as a witness in the case because, according to Mr. Springer, Mr. Willis had contacted various individuals involved in a case of his former client Pamela Lott. Mr. Springer's Motion stated "See Affidavit" but no Affidavit was attached.

The Motion to Disqualify Disciplinary Counsel was denied based upon what Respondent presented. What the Respondent raised in his motion was both untimely and moot given the issues that were before the Panel. The allegations in the Petition and Supplemental Petition had been deemed admitted. The only remaining issue before the Panel was discipline, if any.

### **Motion to Recuse**

Mr. Springer also filed a Motion to Recuse panel member Buckner Wellford. Mr. Springer said he was not aware until the eve of the disciplinary phase that Mr. Wellford was an attorney at Baker, Donelson, Bearman, Caldwell & Berkowitz. Mr. Springer stated in his motion that another attorney in the same law firm as Mr. Wellford was serving on another hearing panel on a separate disciplinary matter pertaining to Mr. Springer. Mr. Springer advised that he had sought to have that attorney removed as well and that motion was also denied. Mr. Springer also complained that the January 25, 2018 hearing was scheduled to take place in the office where two other members of the firm "have personal knowledge of facts relevant to his proceeding." Mr. Springer never explained what those facts were, how they were relevant, or how it created an appearance of bias that would impact his hearing.

The Panel denied the motion based upon what Mr. Springer presented in his written motion. There was nothing presented in the motion that led Mr. Wellford or any of the panel members to conclude that Mr. Wellford could not resolve the issues currently before the panel.

### **Motion to Set Aside Hearing Panel's Order**

The Respondent also filed a Motion to Set Aside the Hearing Panel's order citing Tennessee Rules of Civil Procedure 52.04, 59.02, 59.04, 59.07 and 60.02. There is no Rule 52.04 under the Tennessee Rules of Civil Procedure. All Motions under Rule 59 of the Tennessee Rules of Civil Procedure including 59.02, 59.04 and 59.07 are to be filed within 30 days. Mr. Springer's Motion was filed more than 30 days after the December 15, 2017 Order for Default Judgment. On these grounds, the motion is too late.

Tennessee Rule of Civil Procedure 60.02 allows for judgments to be set aside in the case of mistakes, fraud, void judgments, judgments that have been satisfied, released or discharged, or any other reason justifying relief from the operation of the judgment. In the Motion, Mr. Springer said he wanted to introduce additional evidence. The Panel determined that the Respondent's motion was untimely and that he had had sufficient notice and opportunity to address the substance of these petitions earlier and failed to timely do so. Additionally, Mr. Springer failed to cite sufficient reasons to support relief from the operation of default judgment.

The Motion for Continuance of the hearing was denied as untimely.

In denying the motions, the Panel advised in an email to the parties that the above rulings were without prejudice. Specifically, the parties were told the Panel would entertain the Respondent on his Motion to Set Aside the Hearing Panel's Order Granting the Board's Motion for Default Judgment prior to the scheduled hearing on appropriate discipline. Both Disciplinary Counsel and Mr. Springer were advised that they should be prepared to proceed on the subject of appropriate discipline, if any, as previously scheduled if the Hearing Panel's order was not set aside.

#### **JANUARY 25, 2018 HEARING**

On January 25, 2018, Mr. Springer failed to appear at the 9:30 a.m. hearing. The Panel waited 25 minutes before proceeding in case Mr. Springer was running late. The Panel also asked Disciplinary Counsel to check with the Board office in Nashville to determine if Mr. Springer had contacted the office to advise of his status, but he had not. As a result of his failure to appear at the hearing on January 25, 2018, the Panel ruled that Mr. Springer waived the opportunity to address his motions that he had filed days before the hearing.

( At the hearing, Disciplinary Counsel presented evidence and argument in support of requested discipline for Mr. Springer. The Petition for Discipline filed February 14, 2017 was admitted without objection as Exhibit 1. The Supplemental Petition for Discipline filed August 14, 2017 was admitted without objection as Exhibit 2. The June 23, 2016 Order of Enforcement was admitted without objection as Exhibit 3. The May 19, 2006 Public Censure was admitted without objection as Exhibit 4.

The Board of Professional Responsibility asked for disbarment of Mr. Springer and that Mr. Springer be ordered to make restitution to six of Mr. Springer's former clients whose complaints were set forth in the Supplemental Petition. The Board asked the Panel to award restitution as follows:

\$6,000 to Mardi Coston-Jackson, File No. 4938c-9-PS

( \$755 to Courtnie Bell, File No. 48266c-9-PS

\$3,500 to Monica Burress/Auldon Burress Bowie, File No. 50076c-9-PS

\$5,000 to Eldridge Hill, Jr., File No. 5011c-9-PS

\$6,000 to Guylon Greer, File No. 51042-9-PS

\$600 to Kenneth Jackson, File No. 51937c-9-PS

( At the conclusion of the hearing, the Panel directed the Disciplinary Counsel to contact these former clients, if possible, and determine whether any restitution or refund had been made by Mr. Springer to these clients and if so, how much. That information was directed to be presented to the Panel.

( Although not present at the hearing, the Respondent, Mr. Springer, was also ordered to present a personal, signed and sworn Affidavit detailing whether he has refunded any of the fees to the above individuals, and if so, how much and when. He was directed to include documentary proof of those refunds. Mr. Springer was also directed to include in his affidavit detail on the tangible legal services he provided to those six individuals referenced above and attach all documentary proof of those services with his affidavit.

The deadline for these submissions of this additional evidence was by the close of business on February 8, 2018. The parties were advised the deadline would not be extended. The parties were advised of this requirement by an Order from the Hearing Panel that was entered on January 25, 2018 and sent by email to Mr. Springer at three email addresses associated with him; a hard copy of the Order was also sent by mail to Mr. Springer at his home address.

( Counsel for the Board submitted an affidavit to the Panel on January 30, 2018. Disciplinary Counsel advised that none of the six former clients identified above received a refund from Mr. Springer. Mr. Springer did not supply any evidence as instructed by the Panel.

### **CONCLUSIONS OF LAW**

Paul James Springer is an attorney admitted in 2001 by the Supreme Court Tennessee to practice law in the State of Tennessee. When these matters were considered by this Panel, Mr. Springer was serving a suspension for a prior disciplinary matter.

( Attorneys admitted to practice law in Tennessee are subject to the disciplinary jurisdiction of the Supreme Court, the Board of Professional Responsibility, and this Hearing Panel appointed pursuant to Tenn. Sup. Ct. R. 9, § 1.

Pursuant to Tenn. Sup. Ct. R. 9, § 1, the license to practice law in the 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 privileged 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.

Based upon the Order of Default the Panel finds by preponderance of the evidence that Mr. Springer violated the following Tennessee Rules of Professional Conduct under Rule 8,

- 1.1 (Competence) in Lee
- 1.2 (Scope of Representation) in Jeffreys
- 1.3 (Diligence) in Burress/Bowie; Hill; Greer; Lee; Lott; and Jeffreys;
- 1.4 (Communication) in Burress/Bowie; Hill; Greer; Jackson; Lott; and Jeffreys;
- 1.7 (Conflict of Interest) in Jeffreys
- 1.16 (Declining or Terminating Representation) in Mitchell
- 4.2 (Communication with a person represented by counsel) in Shields
- 8.1(b)(Bar Admission and Disciplinary Matters) in Bell; Burress/Bowie; Hill; Greer; Jackson; and Lee;
- 8.4 (a) and (g) (misconduct) in Coston- Jackson, Bell; Burress/Bowie; Hill; Jackson; Lott; Jeffreys; Shields; and Mitchell;
- 8.4 (a) and (c) (misconduct) in Greer

**Rule 1.1  
COMPETENCE**

A lawyer shall provide competent representation to a client. Competent representation requires a legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation.

**Rule 1.2  
SCOPE OF REPRESENTATION AND ALLOCATION  
OF AUTHORITY BETWEEN CLIENT AND LAWYER**

- (a) Subject to paragraphs (c) and (d), a lawyer shall abide by a client's decision concerning the objectives of representation and, as required by RPC 1.4, shall consult with the client about the means by which the client's objectives are to be accomplished. A lawyer may take such action on behalf of the client as is impliedly authorized to carry out the representation. A lawyer shall abide by a client's decision whether to settle the matter. In a criminal case, the lawyer shall abide by the client's decision, after consultation with the lawyer, as to a plea to be entered, whether to waive jury trial, and whether the client will testify.

**Rule 1.3  
DILIGENCE**

A lawyer shall act with reasonable diligence and promptness in representing a client.

**Rule 1.4(a)  
COMMUNICATION**

(a) A lawyer shall:

- (1) promptly inform the client of any decision or circumstance with respect to which the client's informed consent, as defined in RPC 1.0 (e), is required by these Rules;
- (2) reasonably consult with the client about the means by which the client's objectives are to be accomplished;
- (3) keep the client reasonably informed about the status of the matter;
- (4) probably comply with reasonable request for information; and
- (5) consult with the client about any relevant limitation on the lawyer's conduct when the lawyer knows that the client expects assistance not permitted by the Rules of Professional conduct or other law.

**Rule 1.7  
CONFLICT OF INTEREST**

- (a) A lawyer shall not represent a client if the representation of that client will be directly adverse to another client, unless:
- (2) each client consents in writing after consultation.

**Rule 1.16  
DECLINING OR TERMINATING REPRESENTATION**

- (a) Except as stated in paragraph (c) , a lawyer shall not represent a client or, where representation has commenced, shall withdraw from the representation of a client if:
- (1) the representation will result in a violation of the Rules of Professional Conduct or other law;
  - (2) the lawyer's physical or mental condition materially impairs the lawyer's ability to represent the client; or
  - (3) the lawyer is discharged.
- \*\*\*
- (b) When ordered to do so by a tribunal, a lawyer shall continue representation notwithstanding good cause for terminating the representation.



**Rule 4.2**  
**COMMUNICATION WITH A PERSON REPRESENTED BY COUNSEL**

In representing a client, a lawyer shall not communicate about the subject of the representation with a person the lawyer knows to be represented by another lawyer in the matter, unless the lawyer has the consent of the other lawyer or is authorized to do so by law or a court order.

**Rule 8.1(b)**  
**BAR ADMISSION AND DISCIPLINARY MATTERS**

An applicant for admission to the bar, or a lawyer in connection with a bar admission application or in connection with a disciplinary matter, shall not:

- (a) fail to disclose a fact necessary to correct a misapprehension known by the person to have arisen in the matter, or knowingly fail to respond to a lawful demand for information from an admissions or disciplinary authority, except that this Rule does not require disclosure of information otherwise protected by RPC 1.6.

**Rule 8.4(a), (c) and (g)**  
**MISCONDUCT**

It is professional misconduct for a lawyer to:

- (a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;
- (b) commit a criminal act reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;
- (c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation;
- (d) engage in conduct that is prejudicial to the administration of justice;  
\*\*\*
- (g) knowingly fail to comply with the final court order entered in a proceeding in which the lawyer is a party, unless the lawyer is unable to comply with the order or seeking in good faith determine the validity, scope, meaning, or application of the law upon which the order is based.

### AGGRAVATING FACTORS

In considering Mr. Springer's discipline, the Hearing Panel reviewing this matter finds the following aggravating factors applicable under the *ABA Standards for Imposing Lawyer Sanctions*, ("ABA Standards"), Section 9.22:

- (a) prior disciplinary offenses;
- (b) dishonest or selfish motive;
- (c) a pattern of misconduct;
- (d) multiple offenses;
- (e) bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency;

\*\*\*

- (g) refusal to acknowledge wrongful nature of conduct
- (h) vulnerability of victim;
- (i) substantial experience in the practice of law;

### MITIGATING FACTORS

Mr. Springer alleged in some of his submissions and in a telephone conference when the Panel agreed to extend his deadline for filing a response to the Board's allegations that a combination of personal health and family obligations played a role in his failure to meet deadlines associated with the Petition and Supplemental Petition. He did not, however, offer any specificity on this subject and has failed to demonstrate that these issues were relevant to the underlying allegations made against him. Under the circumstances, the Panel finds no basis for considering these issues at mitigating circumstances in this matter.

### JUDGMENT

Based upon the findings of fact and conclusions of law and the presence of aggravating circumstances, Mr. Springer should be disbarred pursuant to Tenn. Sup. Ct. R. 9, § 12.1. Mr. Springer shall pay restitution of \$6,000 to Mardi Coston-Jackson, File No. 4938c-9-PS; of \$755 to Courtnie Bell, File No. 48266c-9-PS; of \$3,500 to Monica Burress/Auldon Burress Bowie, File No. 50076c-9-PS; of \$5,000 to Eldridge Hill, Jr., File No. 5011c-9-PS; of \$6,000 to Guylon Greer, File No. 51042-9-PS; and of \$600 to Kenneth Jackson, File No. 51937c-9-PS pursuant to Tenn. Sup. Ct. R. 9, 12.7. Payment of all restitution ordered shall be a condition precedent to any reinstatement.

Karen M. Campbell

Karen M. Campbell, Panel Chair

Terrence O. Reed w/perm.

Terrence O. Reed

Buckner P. Wellford w/perm.

Buckner P. Wellford

### NOTICE TO RESPONDENT

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.

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing has been sent to Respondent, Paul James Springer, 4971 Le Chateau Cove, Memphis, TN 38125, by U.S. First Class Mail, and hand-delivered to A. Russell Willis, Disciplinary Counsel, on this the 14th day of March, 2018.

A handwritten signature in black ink, appearing to read "Rita Webb", written over a horizontal line.

Rita Webb  
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.**