

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

FILED

2018 DEC 27 PM 4: 14

BOARD OF PROFESSIONAL
RESPONSIBILITY

PCW
EXEC. SEC.

IN RE: PAUL JAMES SPRINGER,
Respondent, BPR No. 021267,
An Attorney Licensed to
Practice Law in Tennessee
(Shelby County)

DOCKET NO. 2017-2760-9-AW

ORDER

THIS MATTER was heard on October 19, 2017. Based on the statements of counsel, evidence presented, and the entire record in this cause, the Hearing Panel makes the following findings of fact and conclusions of law:

STATEMENT OF THE CASE

1. This is a disciplinary proceeding against the Respondent, Paul James Springer, an attorney licensed to practice law in Tennessee in 2001.
2. A Petition for Discipline, Docket No. 2017-2760-9-AW, was filed August 14, 2017, and served upon Mr. Springer.
3. A Supplemental Petition for Discipline was filed November 13, 2017, and served upon Mr. Springer.
4. Mr. Springer filed no answer to the Petition for Discipline or the Supplemental Petition for Discipline.
5. On January 8, 2018, the Board filed a Motion for Default and that Charges in Petition for Discipline be Deemed Admitted and served the same upon Mr. Springer.

6. On March 1, 2018, the Hearing Panel was appointed and notice was sent to Mr. Springer.
7. Mr. Springer filed no response to the Motion for Default.
8. On March 23, 2018, an Order for Default Judgment was entered by the Hearing Panel on the Petition for Discipline and the Supplemental Petition for Discipline.
9. A Notice of Hearing was filed March 28, 2018, and served upon Mr. Springer and the final hearing was set for April 18, 2018.
10. On April 12, 2018, a Second Supplemental Petition for Discipline was filed and served upon Mr. Springer, and the final hearing was continued.
11. Mr. Springer filed no answer to the Second Supplemental Petition for Discipline.
12. On June 25, 2018, the Board filed a Motion for Default and that Charges in Second Supplemental Petition for Discipline be Deemed Admitted and served the same upon Mr. Springer.
13. Mr. Springer filed no response to the Motion for Default.
14. On July 16, 2018, an Order for Default Judgment was entered by the Hearing Panel on the Second Supplemental Petition for Discipline.
15. A Notice of Hearing was filed August 29, 2018, and served upon Mr. Springer and the final hearing was set for September 24, 2018.
16. On September 18, 2018, Mr. Springer filed a Motion to Set Aside or Alter or Amend the Hearing Panel's Findings of Facts Conclusions of Law and Order on Discipline.
17. On September 21, 2018, the Board filed its Response in Opposition to Respondent's Motion to Set Aside or Alter or Amend the Hearing Panel's Findings of Facts Conclusions of Law and Order on Discipline.
18. On September 21, 2018, Mr. Springer filed a Motion for Continuance of Hearing.

19. On September 21, 2018, the Board filed its Response in Opposition to Motion to Continue Hearing.
20. On September 25, 2018, the Hearing Panel entered an Order Granting Motion for Continuance of Hearing.
21. A Notice of Hearing was filed September 26, 2018, setting the final hearing for October 19, 2018, and served upon Mr. Springer.
22. An Amended Notice of Hearing was filed September 27, 2018, setting the final hearing for October 19, 2018, and served upon Mr. Springer.
23. On October 18, 2018, Mr. Springer filed a Sealed Motion for Continuance of Hearing.
24. On October 18, 2018, the Board filed a Response in Opposition to Respondent's Sealed Motion for Continuance of Hearing.
25. On October 18, 2018, the Hearing Panel filed an Order Denying Second Motion for Continuance of Hearing.
26. The Final Hearing was held October 19, 2017, before a duly constituted Hearing Panel consisting of Leslie Yohey, Richard Click and chaired by Amber D. Floyd. The Board was represented by A. Russell Willis. The Panel delayed the hearing approximately fifteen (15) minutes; however, Mr. Springer did not appear for the hearing or otherwise participate.

INTRODUCTION

27. The Petition for Discipline, the Supplemental Petition for Discipline and the Second Supplemental Petition for Discipline consist of the separate complaints of Demetria Hogan, Charlie Lee, Nora Jackson, First Tennessee Bank and Kendria Stewart.

28. The Board introduced into evidence the Petition for Discipline (Exhibit 1), the Supplemental Petition for Discipline (Exhibit 2) and the Second Supplemental Petition for Discipline (Exhibit 3). Pursuant to the entry of the default judgments, the facts alleged in each Petition were deemed admitted and found as follows:

FINDINGS OF FACTS

Complaint of Demetria Hogan - File No. 47773-9-PS & 51087-9-PS

29. Demetria Hogan retained Mr. Springer to defend her in a criminal matter, seek unemployment benefits and prosecute a civil service claim for wrongful termination.
30. Mr. Springer agreed to a flat fee of \$10,000.00 for the representation, and Ms. Hogan paid \$5,200.00.
31. Ms. Hogan did not pay the balance of the flat fee of \$4,800.00 to Mr. Springer.
32. The civil service claim was settled for \$185,000.00, and Mr. Springer deposited the settlement check, without Ms. Hogan's endorsement, into his trust account on May 24, 2016.
33. On May 31, 2016, Mr. Springer delivered a \$123,950.00 cashier's check to Ms. Hogan, and retained \$61,050.00 as a one-third (1/3) contingency fee.
34. Ms. Hogan notified Mr. Springer of her objection to the contingency fee and retention of the funds by Mr. Springer.
35. In response, Mr. Springer sent Ms. Hogan a copy of a contingency fee agreement dated November 23, 2012, purporting to contain Ms. Hogan's signature.
36. In fact, Mr. Springer fabricated the document by causing a facsimile of Ms. Hogan's signature to be imposed upon the contingency fee agreement without her knowledge or consent.

37. Ms. Hogan retained two (2) forensic document examiners who concluded that Ms. Hogan's signature on the contingency fee agreement was a forgery.
38. Ms. Hogan demanded Mr. Springer deliver the balance of the money being withheld; however, Mr. Springer refused to deliver the funds to Ms. Hogan.
39. On January 17, 2017, Mr. Springer was arrested and charged with felony theft and forgery.
40. Crediting the balance of the flat fee owed to Mr. Springer, Ms. Hogan was entitled to receive \$56,250.00 of the funds wrongfully withheld by Mr. Springer.

Complaint of Charlie Lee - File No. 51146-9-PS

41. On March 6, 2017, the Board received an initial complaint from Charlie Lee and a second letter of complaint from Mr. Lee on April 11, 2017, which was sent to Mr. Springer on May 25, 2017. The Board sent a second letter and copy of the complaints to Mr. Springer on June 13, 2017. Having received no response, the Board sent a Notice of Petition for Temporary Suspension to Mr. Springer on July 6, 2017. Mr. Springer knowingly failed to respond to the Board's lawful demand for information regarding the disciplinary complaint.

42. In or about 2010, Mr. Lee retained Mr. Springer to prosecute a medical malpractice action.
43. In conjunction with the engagement, Mr. Springer represented he would file a legal malpractice action on behalf of Mr. Lee in the appropriate jurisdiction.
44. After retaining Mr. Springer, Mr. Lee made numerous requests of Mr. Springer for updates on the status of his malpractice case and experienced increasing difficulty communicating with Mr. Springer.
45. In response to Mr. Lee's inquiries, Mr. Springer misled Mr. Lee to believe the malpractice action had been filed and was proceeding as expected.
46. Mr. Lee also made numerous requests for copies of the medical malpractice complaint Mr. Springer represented had been filed; however, Mr. Springer failed to provide any file- stamped pleadings to Mr. Lee.
47. Mr. Springer further represented to Mr. Lee that Mr. Springer was negotiating a settlement of the malpractice claim on behalf of Mr. Lee.
48. Shortly after filing his complaint with the Board, Mr. Lee discovered Mr. Springer had not filed any medical malpractice claim on his behalf in any jurisdiction.
49. Mr. Springer made false and misleading representations to Mr. Lee about the status of his case, the filing of a medical malpractice action and settlement negotiations of the claim.
50. Mr. Springer was suspended from the practice of law by Order of Enforcement entered by the Tennessee Supreme Court on June 23, 2016.
51. Mr. Springer failed to notify Mr. Lee of Mr. Springer's suspension from the practice of law in violation of the Order of Enforcement entered by the Tennessee Supreme Court June 23, 2016, and Tenn. Sup. Ct. R. 9, §28.

Complaint of Nora Jackson - File No. 53025-9-PS

52. On July 5, 2017, the Board received a complaint from Nora Jackson which was sent to Mr. Springer on July 6, 2017. Having received no response, the Board sent a second letter to Mr. Springer on July 20, 2017. A Notice of Petition for Temporary Suspension was sent to Mr. Springer on August 1, 2017. Mr. Springer knowingly failed to respond to the Board's lawful demand for information regarding the disciplinary complaint.
53. Mr. Springer was suspended from the practice of law by Order of Enforcement entered June 23, 2016.
54. In or about November, 2016, Ms. Jackson contacted Mr. Springer to represent her son, Felton Jackson, in a criminal matter.
55. On or about December 21, 2016, Mr. Springer, while suspended from the practice of law, agreed to represent Ms. Jackson's son, and caused a Contract for Services agreement to be delivered by email to Ms. Jackson and her husband.
56. In conjunction with the execution of the Contract for Services or shortly thereafter, Mr. Springer provided Ms. Jackson with a bank account number (last four digits #0831) and instructed Ms. Jackson to deposit \$1,500.00 into the account at First Tennessee Bank.
57. The \$1,500.00 represented a refundable retainer fee and was required to be deposited into a trust account.
58. First Tennessee Bank account #0831 was the personal checking account of Mr. Springer.
59. Ms. Jackson deposited the \$1,500.00 refundable retainer fee into First Tennessee Bank account #0831 as instructed by Mr. Springer, and Mr. Springer converted the \$1,500.00 refundable retainer fee to his personal use.

60. In addition, Mr. Springer knew he was suspended from the practice of law and intentionally solicited and accepted the \$1,500.00 refundable retainer fee under false pretenses.
61. Mr. Springer knowingly and intentionally engaged in the unauthorized practice of law and falsely held himself out as a lawyer in violation of the Order of Enforcement entered by the Tennessee Supreme Court June 23, 2016, and Tenn. Sup. Ct. R. 9, §28.
62. Further, Mr. Springer knowingly, intentionally and falsely held himself out as a lawyer to Ms. Jackson in violation of T.C.A. §23-3-108, a Class E Felony.
63. After retaining Mr. Springer in or about November, 2016, Ms. Jackson attempted to contact Mr. Springer to inquire about the status of the representation and her son's criminal matter; however, Mr. Springer did not reasonably respond to Ms. Jackson.
64. In addition, Mr. Springer did not provide the professional services to Ms. Jackson or her son for which Mr. Springer had been retained.
65. Eventually, Mr. Springer agreed to refund the \$1,500.00 retainer fee in full to Ms. Jackson; however, Mr. Springer's representation was materially false as he never provided any refund to Ms. Jackson or her son.

First Tennessee Bank - File No. 54592n-9-PS

66. On October 19, 2017, the Board received a notice from First Tennessee Bank that Mr. Springer's trust account was in overdraft in the amount of \$522.60, and the overdraft notice was forwarded to Mr. Springer by letter dated October 23, 2017, for a response. On November 8, 2017, the Board sent a second request for information and an email to Mr. Springer regarding the overdraft in his trust account. After receiving no response from Mr. Springer, the Board mailed a letter to Mr. Springer dated November 21, 2017.

On December 6, 2017, the Board sent a third request for information to Mr. Springer and an email to Mr. Springer on December 7, 2017, regarding the overdraft in his trust account. Mr. Springer knowingly failed to respond to the Board's lawful demand for information regarding the disciplinary complaint.

67. On December 1, 2017, a Subpoena Duces Tecum for Mr. Springer's IOLTA bank account records at First Tennessee Bank from August 1, 2017 through December, 2017, was issued by the Chancery Court for Shelby County.
68. Effective July 3, 2016, Mr. Springer was suspended from the practice of law by Order of Enforcement entered June 22, 2016, and has not been reinstated by the Tennessee Supreme Court.
69. After the effective date of his suspension from the practice of law, Mr. Springer continued to improperly maintain and use his trust account for personal and/or professional purposes.
70. In addition, Mr. Springer continued to hold himself out to the public as an actively licensed attorney, and such representation was false and misleading.

Complaint of Kendria Stewart - File No. 55595c-9-PS

71. On January 21, 2018, the Board of Professional Responsibility Consumer Assistance Program ("CAP") received a complainant from Kendria Stewart regarding the representation of Ms. Stewart's son, Darnell Jordan. By letter dated January 24, 2018, the Board requested a written explanation from Mr. Springer. By letter dated February 15, 2018, the Board sent a second request to Mr. Springer. After no response, the Board sent Mr. Springer a third letter dated March 1, 2017, and an email dated the same date. Mr.

Springer knowingly failed to respond to the Board's lawful demand for information regarding the disciplinary complaint.

72. Mr. Springer was retained by Ms. Stewart to represent her son, Darnell Jordan, in a criminal case and received a retainer fee of \$5,000.00.
73. No written fee agreement was executed by Ms. Stewart or her son, Darnell Jordan.
74. Ms. Stewart made an initial payment of \$1,000.00, and Mr. Springer agreed to accept monthly payments of \$500.00 until the balance was paid in full.
75. Mr. Springer failed to deposit and/or maintain the refundable unearned retainer fee in his trust account as required.
76. Shortly after being retained and receiving the initial \$1,000.00 retainer, Mr. Springer failed to appear at a scheduled court hearing for Mr. Jordan and failed to reasonably communicate with Ms. Stewart regarding the representation.
77. Ms. Stewart confronted Mr. Springer regarding his lack of communication and representation; however, Mr. Springer reassured Ms. Stewart that her son's criminal matter was under control and not to worry.
78. Mr. Springer failed to inform Ms. Stewart of his suspension from the practice of law and his inability to represent Mr. Jordan after July 3, 2016, the effective date of his suspension.
79. Mr. Springer failed to withdraw as attorney of record for Mr. Jordan and refund the unearned retainer fee as required by the Order of Enforcement entered by the Tennessee Supreme Court on June 23, 2016.
80. On or about September 20, 2017, Ms. Stewart delivered \$400.00 in cash and a check in the amount of \$100.00 to Mr. Springer as part of the \$5,000.00 retainer fee.

81. Mr. Springer accepted the \$500.00 payment from Ms. Stewart without informing Ms. Stewart of his suspension from the practice of law.
82. Mr. Springer failed to provide any material professional representation to Mr. Jordan sufficient to earn any portion of the \$5,000.00 retainer fee and made material misrepresentations to Ms. Stewart and Mr. Jordan regarding his status as an active licensed attorney.
83. The \$1,500.00 retainer was an unearned refundable fee and Mr. Springer failed to deposit and/or maintain the retainer fee in his trust account as required.
84. Mr. Springer has a previous disciplinary history.
85. Mr. Springer was Disbarred by Order of Enforcement entered October 2, 2018, for violating RPC 1.1 (competence); 1.2 (scope of representation and allocation of authority between client and lawyer); 1.3 (diligence); 1.4 (communication); 1.7 (conflict of interest); 1.16 (declining or terminating representation); 4.2 (communication with a person represented by counsel); 8.1 (disciplinary matters) and 8.4 (misconduct). (Exhibit 6).
86. Mr. Springer is currently serving a two (2) year and sixty (60) day Suspension (minimum 60 days to be active) imposed June 23, 2016, for violating RPC 1.3 (diligence); 1.4 (communication); 1.5(c) (fees); 1.15(a), (b), (d) and (e) (safekeeping property and funds); 8.1(b) (disciplinary matters) and 8.4(a) and (d) (misconduct). (Exhibit 5).
87. Mr. Springer received a Public Censure on May 19, 2006, for violating RPC 1.1 (competence); 1.2(a) (scope of representation and allocation of authority); 1.3 (diligence); 1.4(a) and (b) (communication); 1.16(a) (declining or terminating representation) and 8.4(a), (d) and (g) (misconduct). (Exhibit 4).

CONCLUSIONS OF LAW

88. The Respondent, Paul James Springer, is an attorney admitted by the Supreme Court of Tennessee to practice law in the State of Tennessee in 2001. Mr. Springer's most recent address as shown in the most recent registration statement filed pursuant to Tenn. Sup. Ct. R. 9, § 10.1 is 4971 Le Chateau Cove, Memphis, Tennessee 38125, in Disciplinary District IX. The Respondent's Board of Professional Responsibility No. is 021267.
89. Pursuant to Tenn. Sup. Ct. R. 9, § 8 (2014), attorneys admitted to practice law in Tennessee are subject to the disciplinary jurisdiction of the Supreme Court, the Board of Professional Responsibility, the Hearing Committee, hereinafter established, and the Circuit and Chancery Courts.
90. Pursuant to Tenn. Sup. Ct. R. 9, § 1 (2014), the license to practice law in this state is a privilege, and it is the duty of every recipient of that privilege to conduct himself or herself at all times in conformity with the standards imposed upon members of the bar as conditions for the privilege to practice law.
91. Pursuant to Tenn. Sup. Ct. R. 9, § 11 (2014), acts or omissions by an attorney, individually or in concert with any other person, which violate the Rules of Professional Conduct of the State of Tennessee constitute misconduct and grounds for discipline, whether or not the act or omission occurred in the course of an attorney-client relationship.
92. The Motion to Set Aside or Alter or Amend the Hearing Panel's Findings of Facts Conclusions of Law and Order filed September 18, 2018, by Mr. Springer, addressed itself to an order the Hearing Panel had not entered. Mr. Springer did not appear at the final hearing to explain the intent of his motion or his request for relief and the Panel is at

a loss to understand Mr. Springer's pleading. Accordingly, the Panel finds the Motion to Set Aside filed September 18, 2018, is not well taken and should be denied.

Demetria Hogan Complaint

93. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Paul James Springer charged and/or collected an unreasonable fee and attempted to charge a contingency fee in the absence of a written fee agreement signed by Ms. Hogan in violation of RPC 1.5(a) and (d) (fees).
94. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Paul James Springer failed to promptly deliver \$56,250.00 of client funds to Ms. Hogan and failed to maintain said funds in his trust account in violation of RPC 1.15(b) and (d) (safekeeping property and funds).
95. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Paul James Springer forged the signature of Ms. Hogan on a contingency fee agreement and made material misrepresentation to Ms. Hogan in an attempt to defraud her out of \$56,250.00. In addition, Mr. Springer misappropriated client funds for his personal and business use. As such, Mr. Springer engaged in criminal conduct involving dishonesty, fraud, deceit and misrepresentation which reflects adversely on his fitness to practice law in violation of RPC 8.4 (a)-(c) (misconduct).
96. Ms. Hogan is entitled to restitution in the amount of \$56,250.00.

Charlie Lee Complaint

97. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Paul James Springer failed to reasonably communicate with Mr. Lee, failed to keep him adequately informed about the status of his malpractice case and failed to

respond to numerous requests for copies of file-stamped pleadings in violation of RPC 1.4 (communication) and 1.3 (diligence).

98. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Paul James Springer failed to file a complaint for medical malpractice or otherwise provide Mr. Lee with the professional services for which he contracted in violation of RPC 1.1 (competence) and 1.3 (diligence).
99. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Paul James Springer, when he did communicate with Mr. Lee, materially misled his client to believe that a medical malpractice complaint had been timely filed and that the case was proceeding as expected in violation of RPC 8.4(c) (misconduct).
100. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Paul James Springer materially misled his client to believe that Mr. Springer was negotiating a settlement of the medical malpractice action when, in fact, no negotiations were undertaken in violation of RPC 8.4(c) (misconduct).
101. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Paul James Springer violated the terms and conditions of the Order of Enforcement entered by the Tennessee Supreme Court and Tenn. Sup. Ct. R. 9, §28 by failing to notify Mr. Lee of Mr. Springer's suspension from the practice of law and terminating the representation in violation of RPC 1.16(a)(1) and 8.4(g) (misconduct).
102. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Paul James Springer knowingly failed to respond to the Board's lawful demand for information regarding the disciplinary complaint in violation of RPC 8.1(b) (bar admission and disciplinary matters).

Nora Jackson Complaint

103. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Mr. Springer was suspended from the practice of law by Order of Enforcement entered June 23, 2016, and knowingly engaged in the unauthorized practice of law by undertaking the representation of Ms. Jackson's son on or about December 21, 2016, in violation of RPC 1.16 (a)(1) and 5.5(a) and (b) (unauthorized practice of law).
104. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Mr. Springer, in furtherance of his effort to deceive, delivered a retainer agreement and knowingly misrepresented himself to Ms. Jackson to induce her to deposit an unreasonable and improper retainer fee of \$1,500.00 into Mr. Springer's personal checking account, in violation of RPC 1.5(a) (fees), 1.15(a)-(c) (safekeeping property and funds) and 8.4(c) (misconduct).
105. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Mr. Springer misappropriated \$1,500.00 of Ms. Jackson's funds and converted the funds to his personal or business use in violation of RPC 1.15(a)-(c) (safekeeping property and funds) and 8.4(b) and (c) (misconduct).
106. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Mr. Springer failed to reasonably communicate with Ms. Jackson or her son regarding the status of the criminal case and failed to provide any professional services to Ms. Jackson or her son in violation of RPC 1.4 (communication) and 1.3 (diligence).
107. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Paul James Springer failed to terminate the representation and refund the \$1,500.00 retainer fee and misled Ms. Jackson to believe a refund of the \$1,500.00 would

be forthcoming in violation of RPC 1.16(a)(1) and (d)(6) (declining or terminating representation) and 8.4(c) (misconduct).

108. Ms. Jackson is entitled to restitution in the amount of \$1,500.00.
109. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Paul James Springer knowingly failed to respond to the Board's lawful demand for information regarding the disciplinary complaint in violation of RPC 8.1(b) (bar admission and disciplinary matters).

First Tennessee Bank Complaint

110. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Mr. Springer was suspended from the practice of law by Order of Enforcement entered June 23, 2016, and knowingly and improperly maintained and used his trust account for personal and/or professional purposes after July 3, 2016, the effective date of his suspension from the practice of law, engaged in the unauthorized practice of law and fraudulently held himself out to the public as a licensed attorney in violation of RPC 1.15(a)-(c) (safekeeping property and funds), 5.5(a) and (b) (unauthorized practice of law) and 8.4(c) (misconduct).
111. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Paul James Springer knowingly failed to respond to the Board's lawful demand for information regarding the disciplinary complaint in violation of RPC 8.1(b) (bar admission and disciplinary matters).

Kendria Stewart Complaint

112. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Mr. Springer, shortly after being retained and receiving the initial \$1,000.00

retainer, failed to appear at a scheduled court hearing and failed to reasonably communicate with Ms. Stewart or her son regarding the representation in violation of RPC 1.3 (diligence) and 1.4 (communication).

113. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Mr. Springer was suspended from the practice of law by Order of Enforcement entered June 23, 2016, and thereafter, knowingly violated the Order of Enforcement and engaged in the unauthorized practice of law when he failed to inform Ms. Stewart and her son of his suspension from the practice of law, withdraw as attorney of record and refund the unearned retainer fee in violation of RPC 1.16 (a)(1) and (d)(6) (declining or terminating representation), 5.5(a) and (b) (unauthorized practice of law) and 8.4(a), (c) and (g) (misconduct).
114. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Mr. Springer, while suspended from the practice of law, materially misrepresented his status as an active licensed attorney and accepted an additional \$500.00 retainer fee from Ms. Stewart without informing Ms. Stewart of his suspension from the practice of law and resulting inability to continue the representation for which he had been retained in violation of RPC 1.4 (communication), 1.5(a) (fees), 5.5(a) and (b) (unauthorized practice of law) and 8.4(c) (misconduct).
115. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Mr. Springer provided no professional services to Ms. Stewart or her son and charged and collected an unreasonable fee of \$1,500.00 in violation of RPC 1.3 (diligence) and 1.5(a) (fees).

116. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Mr. Springer's assurances to Ms. Stewart that her son's criminal matter was under control and not to worry were materially false in violation of RPC 8.4(c) (misconduct).
117. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Paul James Springer knowingly failed to respond to the Board's lawful demand for information regarding the disciplinary complaint in violation of RPC 8.1(b) (bar admission and disciplinary matters).
118. Ms. Stewart is entitled to restitution in the amount of \$1,500.00.

APPLICATION OF THE ABA STANDARDS

119. Pursuant to Tenn. Sup. Ct. R. 9, § 8.4, the appropriate discipline must be based upon application of the ABA Standards for Imposing Lawyer Sanctions, ("ABA Standards").
120. The Board introduced a number of ABA Standards which the Hearing Panel has reviewed and considered. (See Exhibits 7-13).
121. Based upon the facts and misconduct previously cited, the Hearing Panel finds the following ABA Standards applicable and relevant to its determination of the appropriate discipline to be imposed against Mr. Springer:
- 4.11 Disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client.
- 4.41 Disbarment is generally appropriate when:
- (b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or
 - (c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

- 4.51 Disbarment is generally appropriate when a lawyer's course of conduct demonstrates that the lawyer does not understand the most fundamental legal doctrines or procedures, and the lawyer's conduct causes injury or potential injury to a client.
- 4.61 Disbarment is generally appropriate when a lawyer knowingly deceives a client with the intent to benefit the lawyer or another, and causes serious injury or potentially serious injury to a client.
- 5.11 Disbarment is generally appropriate when
- (a) a lawyer engages in serious criminal conduct a necessary element of which includes intentional interference with the administration of justice, false swearing, misrepresentations, fraud, extortion, misappropriation, or theft; or
 - (b) a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer's fitness to practice.
- 6.21 Disbarment is generally appropriate when a lawyer knowingly violates a court order or rule with the intent to obtain a benefit for the lawyer or another, and causes serious injury or potentially serious injury to a party or causes serious or potentially serious interference with a legal proceeding.
- 7.1 Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed to the profession with the intent to obtain a benefit for the lawyer or another, and causes serious injury or potentially serious injury to a client, the public, or the legal system.

AGGRAVATING AND MITIGATING CIRCUMSTANCES

Pursuant to ABA Standard 9.22, the following aggravating factors were considered by the Hearing Panel to determine the appropriate discipline to be imposed against Mr. Springer:

163. Prior Discipline:

- (a) Mr. Springer received a Public Censure on May 19, 2006. Mr. Springer was found by the Tennessee Court of Criminal Appeals to be in willful contempt of court for failing

to file an appeal brief in three separate criminal appeals. Mr. Springer further ignored the Court by failing to pay the \$50.00 fine imposed in each case. (Exhibit 4).

(b) Mr. Springer is currently serving a two (2) year and sixty (60) day Suspension (minimum 60 days to be active) imposed June 23, 2016, for violating RPC 1.3 (diligence); 1.4 (communication); 1.5(c) (fees); 1.15(a), (b), (d) and (e) (safekeeping property and funds); 8.1(b) (disciplinary matters) and 8.4(a) and (d) (misconduct). (Exhibit 5).

(c) Mr. Springer was Disbarred by Order of Enforcement entered October 2, 2018, for violating RPC 1.1 (competence); 1.2 (scope of representation and allocation of authority between client and lawyer); 1.3 (diligence); 1.4 (communication); 1.7 (conflict of interest); 1.16 (declining or terminating representation); 4.2 (communication with a person represented by counsel); 8.1 (disciplinary matters) and 8.4 (misconduct). (Exhibit 6).

164. Pattern of Misconduct:

Mr. Springer's pattern of misconduct is an aggravating circumstance justifying an increase in the degree of discipline to be imposed. Mr. Springer has been disciplined previously for making material misrepresentations to clients, misappropriating client funds, failing to reasonably communicate with clients, providing incompetent and dilatory representation, failing to terminate the representation and refund unearned fees and failing to respond to the Board regarding a lawful demand for information. In the present disciplinary action, Mr. Springer continues a pattern of misrepresentations, dishonesty, deceit, misappropriation, incompetence and lack of diligence and reasonable communication.

165. Multiple Offenses:

Mr. Springer's multiple offenses are an aggravating circumstance justifying an increase in the degree of discipline to be imposed.

166. Substantial Experience:

Mr. Springer's substantial experience, having been licensed in Tennessee in 2001 is an aggravating circumstance.

167. Dishonest or Selfish Motive:

Mr. Springer, while suspended from the practice of law and unable to provide professional services, knowingly held himself out to the public as an active licensed attorney and induced numerous persons to pay retainer fees to him for professional services.

JUDGMENT

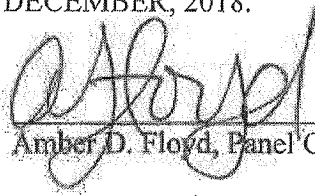
Based upon the facts in this case; the application of the Rules of Professional Conduct and considering the ABA Standards, the Hearing Panel finds by a preponderance of the evidence that Mr. Springer committed disciplinary misconduct and should be disbarred from the practice of law pursuant to Tenn. Sup. Ct. R. 9, § 12.1. The Hearing Panel further finds that Mr. Springer shall make restitution to the following persons pursuant to Tenn. Sup. Ct. R. 9, § 12.7, and that payment of restitution shall be a condition precedent to the filing of any petition for reinstatement.

(a) Demetria Hogan - \$56,250.00

(b) Nora Jackson - \$1,500.00

(c) Kendria Stewart - \$1,500.00

ENTERED ON THIS THE 27th DAY OF DECEMBER, 2018.



Amber D. Floyd, Panel Chair

Leslie Yohey w/ consent
Leslie Yohey, Panel Member

Richard Click w/ consent
Richard Click, Panel Member

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 28th day of December, 2018.



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.