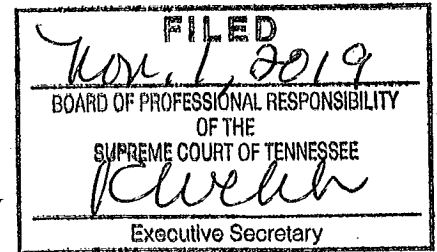


**IN DISCIPLINARY DISTRICT IX  
OF THE  
BOARD OF PROFESSIONAL RESPONSIBILITY  
OF THE  
SUPREME COURT OF TENNESSEE**



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

**DOCKET NO. 2018-2940-9-AW**

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**FINDINGS OF FACT AND CONCLUSIONS OF LAW**

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The Hearing Panel finds:

**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. 2018-2940-9-AW, was filed November 26, 2018, and personally served upon Mr. Springer on January 17, 2019.
3. Mr. Springer filed no answer to the Petition for Discipline.
4. On March 5, 2019, the Board filed a Motion for Default and that Charges in Petition for Discipline be Deemed Admitted and served the same upon Mr. Springer.
5. On March 11, 2019, the Hearing Panel was appointed, and notice was sent to Mr. Springer.
6. Mr. Springer filed no response to the Motion for Default.
7. On March 26, 2019, an Order for Default Judgment was entered by the Hearing Panel on the Petition for Discipline.

8. A Notice of Hearing was filed April 29, 2019, and served upon Mr. Springer and the final hearing was set for May 15, 2019.
9. On May 14, 2019, Mr. Springer filed a Sealed Motion for Continuance of Hearing.
10. On May 15, 2019, the Panel held a telephone conference call on the motion and reset the final hearing for June 20, 2019.
11. On May 22, 2019, the Hearing Panel entered an Order Resetting Final Hearing for June 20, 2019, and a Notice of Hearing was filed the same date and served upon Mr. Springer.
12. On June 19, 2019, Mr. Springer filed a Sealed Motion for Stay of Hearing based upon Mr. Springer having filed a separate petition in the Supreme Court seeking disability inactive status.
13. On June 20, 2019, the Board filed a Response in the Supreme Court opposing Mr. Springer's request for disability inactive status. Thereafter on June 20, 2019, the Supreme Court entered an Order instructing Mr. Springer to supplement his request for disability inactive status with medical documentation within ten days.
14. On June 20, 2019, the Panel held an early morning telephone conference call on the Motion for Stay of Hearing; however, Mr. Springer failed to appear. The Panel denied Mr. Springer's motion by Order entered June 20, 2019.
15. The Final Hearing was held at 1:00 p.m. on June 20, 2019, before a duly constituted Hearing Panel consisting of Andre B. Mathis, Eugene J. Podesta, Jr. and chaired by Ashley S. Patterson. The Board was represented by A. Russell Willis. The Panel delayed the hearing approximately twenty (20) minutes; however, Mr. Springer did not appear for the hearing or otherwise participate.

16. At the conclusion of the Final Hearing, the Panel took the matter under advisement to await the decision of the Supreme Court on the request of Mr. Springer for disability inactive status.
17. On July 1, 2019, Mr. Springer filed a Motion for Extension of Time with the Supreme Court seeking additional time to provide the Court with medical documentation supporting his request for disability inactive status.
18. On July 3, 2019, the Supreme Court entered an Order granting Mr. Springer until July 10, 2019, to provide the requested medical documentation.
19. On July 10, 2019, Mr. Springer filed a second Motion for Extension of Time with the Supreme Court seeking additional time to provide the Court with medical documentation supporting his request for disability inactive status.
20. On July 12, 2019, the Supreme Court entered an Order granting Mr. Springer until July 12, 2019, to provide the requested medical documentation.
21. On July 23, 2019, the Supreme Court entered an Order denying Mr. Springer's request for disability inactive status due to his failure to provide the requested medical documentation.
22. On July 24, 2019, the Board filed the July 23, 2019 Order entered by the Supreme Court denying Mr. Springer's request for disability inactive status.

### **INTRODUCTION**

23. The Petition for Discipline consists of two separate complaints filed by (i) Angela Middleton and (ii) Molly Glover, Esq., and Terrell Tooten, Esq.

24. The Board introduced into evidence the Petition for Discipline (Exhibit 1), and pursuant to the entry of the default judgments, the facts alleged in the Petition for Discipline were deemed admitted and found as follows:

**FINDINGS OF FACTS**

Complaint of Angela Middleton - File No. 56320-9-PS

25. In 2014, Dr. Angela Middleton retained Mr. Springer to represent her in a civil action against the City of Memphis.
26. On or about March 4, 2014, the civil action was settled for \$150,000.00.
27. On March 4, 2014, Dr. Middleton executed a Settlement Agreement and Release acknowledging the settlement of her civil claim in exchange for payment of \$150,000.00.
28. Mr. Springer also executed the Settlement Agreement and Release acknowledging he had reviewed the document with and explained the terms to Dr. Middleton.
29. In accordance with the terms of the Settlement Agreement and Release, the City of Memphis delivered a settlement check to Mr. Springer in the amount of \$150,000.00 (Settlement Check) made payable to “Dr. Angela D. Middleton And Her Attorney, Paul J. Springer.”
30. Mr. Springer failed to notify Dr. Middleton of his receipt of the \$150,000.00 Settlement Check.
31. Mr. Springer negotiated the Settlement Check without the endorsement of Dr. Middleton or over the forged endorsement of Dr. Middleton. In either event, Mr. Springer negotiated the Settlement Check without the knowledge or consent of Dr. Middleton.

32. Subsequent to the execution of the Settlement Agreement and Release, Dr. Middleton made numerous demands of Mr. Springer for information regarding payment of the settlement funds to her.
33. In response to her demands, Mr. Springer materially misrepresented to Dr. Middleton that Mr. Springer was waiting on the City of Memphis to act.
34. Mr. Springer engaged in deceit and misrepresentations in order to prevent Dr. Middleton from discovering the misappropriation of the \$150,000.00 settlement funds.
35. Eventually, Dr. Middleton contacted the City of Memphis and obtained copies of the settlement documents, including a copy of the check for \$150,000.00 dated February 27, 2014, and discovered Mr. Springer's dishonesty, deceit, fraud and misrepresentations regarding the Settlement Check.
36. Mr. Springer failed to deposit the \$150,000.00 Settlement Check into any trust account for the benefit of Dr. Middleton.
37. Mr. Springer converted the \$150,000.00 settlement funds for his personal or business use.
38. Mr. Springer's misappropriation and/or conversion of the \$150,000.00 settlement funds constitutes serious criminal conduct which reflects upon his honesty, trustworthiness and fitness as a lawyer.
39. Mr. Springer never responded to the Board's request for information regarding the disciplinary complaint filed by Dr. Middleton.

Complaint of Molly Glover, Esq. - File No. 57120-9-PS  
&  
Complaint of Terrell Tooten, Esq. - File No. 57090-9-PS

40. Mr. Springer was suspended from the practice of law by Order of Enforcement entered June 23, 2016, for two (2) years and sixty (60) days and has not been reinstated by the Supreme Court. (Exhibit 3)
41. Prior to his suspension from the practice of law, Mr. Springer represented Reginal Smith in a wrongful death case against the Benihana National Corporation and Ms. Molly Glover represented Benihana.
42. On May 19, 2018, Ms. Glover took the deposition of Plaintiffs' expert witness, Ms. Patsy Bramlett.
43. Ms. Bramlett testified that in preparation for her deposition, she had recently spoken to Mr. Springer who instructed her to reduce her wage loss calculations to present day value.
44. In addition, Ms. Bramlett testified that the expert opinion letter in her file was dated March 15, 2018, and was addressed to Mr. Springer.
45. Ms. Bramlett further testified she was unaware Mr. Springer was suspended from the practice of law.
46. Finally, Ms. Bramlett testified she had no knowledge of an expert opinion letter of the same date addressed to another attorney, Terrell Tooten, Esq., which had been produced to Ms. Glover during discovery in the case.
47. Terrell Tooten, a Tennessee licensed attorney, entered his appearance as attorney of record for the plaintiff in the Benihana case after Mr. Springer was suspended from the practice of law.

48. Subsequent to the deposition of Ms. Bramlett, Ms. Glover reported Mr. Springer's unauthorized practice of law to the Shelby County Circuit Court.
49. In response to the inquiry of the Circuit Court, Mr. Tooten represented he was handling cases for Mr. Springer during his suspension, and that some of Mr. Springer's clients entered into new retainer fee contracts with Mr. Tooten while other clients elected to remain with Springer and Associates.
50. Mr. Tooten further represented, in those cases in which the client elected to remain with Springer and Associates, that Mr. Tooten worked as an attorney for Springer and Associates.
51. Mr. Tooten disclosed he was the only attorney with Springer and Associates and had differing fee arrangements with Mr. Springer depending upon the particular circumstances of each case.
52. Mr. Tooten also disclosed that Mr. Springer continued to pay litigation expenses and expert fees in the Benihana case as well as other cases Mr. Tooten undertook for Springer and Associates.
53. Mr. Springer never filed any motion to withdraw as attorney of record in the Benihana case and was never relieved by the Circuit Court as counsel for the plaintiff.
54. Mr. Springer, while suspended from the practice of law, continued to involve himself in the representation of the plaintiff in the Benihana case by contacting and instructing Ms. Bramlett to amend her expert opinion, entering into a fee sharing agreement, continuing to pay litigation costs and expert fees in ongoing cases, and failing to withdraw as attorney of record.

55. Mr. Springer failed to comply with the terms and conditions of the Order of Enforcement suspending him from the practice of law and Tenn. Sup. Ct. R. 9, § 28 (Exhibit 3).
56. Mr. Springer never responded to the Board's request for information regarding the disciplinary complaints filed by Ms. Glover and Mr. Tooten.
57. Mr. Springer has a previous disciplinary history.
58. Mr. Springer was Disbarred by Order of Enforcement entered May 24, 2019, 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); 1.16 (declining or terminating representation); 3.3 (candor toward the tribunal); 3.4 (fairness to opposing party and counsel); 8.1 (bar admission and disciplinary matters); and 8.4 (misconduct) (Exhibit 6).
59. 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 4).
60. 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 3).
61. 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 2).

### **CONCLUSIONS OF LAW**

62. 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.
63. 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.
64. 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.
65. 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.

Dr. Angela Middleton Complaint

66. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Paul James Springer misappropriated settlement funds belonging to Dr. Middleton in the amount of \$150,000.00 and converted the settlement funds to his own personal or business use. Such conduct by Mr. Springer constitutes a serious criminal act that reflects adversely upon his honesty, trustworthiness and fitness as a lawyer in violation of RPC 1.15 (safekeeping property and funds) and 8.4 (b) and (c) (misconduct).
67. The Panel further finds by a preponderance of the evidence that Mr. Springer failed to diligently represent Dr. Middleton and materially misled his client regarding the status of the settlement and receipt of the settlement funds and such conduct involved dishonesty, deceit, fraud and misrepresentations. Mr. Springer's conduct violated RPC 1.1 (diligence); 1.4 (communication) and 8.4 (c) (misconduct).
68. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Paul James Springer failed to respond to the Board's request for information regarding Dr. Middleton's disciplinary complaint in violation of RPC 8.1(b) (bar admission and disciplinary matters).
69. Dr. Middleton is entitled to restitution in the amount of \$150,000.00.

Molly Glover, Esq. and Terrell Tooten, Esq. Complaints

70. 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 withdraw as attorney of record in the Reginal Smith wrongful death action

pending in the Circuit Court for Shelby County. Mr. Springer's conduct violated RPC 1.16(a)(1) and 8.4(g) (misconduct).

71. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Paul James Springer, while suspended from the practice of law, engaged in the unauthorized practice of law when he advised Ms. Bramlett, an economic damages expert in the pending Smith wrongful death case, to revise her wage loss calculations prior to giving her deposition testimony and continued to pay litigation and expert fees in the underlying action as well as other actions Mr. Tooten undertook for Mr. Springer's law firm. Mr. Springer's conduct violated RPC 5.5 (unauthorized practice of law) and 8.4(a).

72. Based upon the evidence presented, the Hearing Panel finds by a preponderance of the evidence that Paul James Springer, while suspended from the practice of law, knowingly entered into fee sharing agreements with Mr. Tooten thereby engaging in the unauthorized practice of law and making an agreement for collecting or charging an unreasonable fee. Mr. Springer's conduct violated RPC 1.5(a); 5.5 (unauthorized practice of law) and 8.4(a) (misconduct).

73. 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).

#### **APPLICATION OF THE ABA STANDARDS**

74. 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").

75. 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.

4.61 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.

76. Based upon the evidence presented and considering the applicable ABA Standards, the Panel finds the baseline disciplinary sanction is disbarment.

**AGGRAVATING AND MITIGATING CIRCUMSTANCES**

77. 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:

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 2).

(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 3).

(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 4).

(d) Mr. Springer was Disbarred by Order of Enforcement entered May 24, 2019, 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); 1.16 (declining or terminating representation); 3.3 (candor toward the tribunal); 3.4 (fairness to opposing party and counsel); 8.1 (bar admission and disciplinary matters); and 8.4 (misconduct) (Exhibit 6).

78. 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 engaged in conduct involving misrepresentations, dishonesty, deceit, misappropriation, incompetence and lack of diligence and reasonable communication.

79. Multiple Offenses:

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

80. Substantial Experience:

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

81. Dishonest or Selfish Motive:

Mr. Springer, while suspended from the practice of law and unable to provide professional services, knowingly continued to accept professional fees. Mr. Springer also misappropriated client settlement funds for his personal or business use.

82. The Hearing Panel finds no mitigating factors applicable in this disciplinary matter.

**JUDGMENT**


Based upon the facts in this action; 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 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) Dr. Angela Middleton - \$150,000.00

ENTERED ON THIS THE 22nd DAY OF OCTOBER, 2019.

  
Ashley S. Patterson, Panel Chair

  
Andre B. Mathis, Panel Member

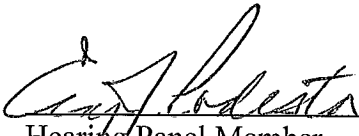
  
Eugene J. Podesta, Jr., Panel Member

**NOTICE**

This judgment may be appealed pursuant to Tenn. Sup. Ct. R. 9, § 33 (2014) by filing a Petition for Review in the Circuit or Chancery Court within sixty (60) days of the date of entry of the hearing panel's judgment.

**CERTIFICATE OF SERVICE**

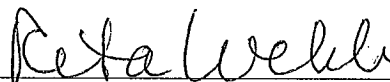
I certify I have served a copy of the foregoing, on Respondent, addressed to Paul James Springer, 4971 Le Chateau Cove, Memphis, Tennessee 38125, and to Disciplinary Counsel A. Russell Willis, 10 Cadillac Drive, Suite 220, Brentwood, Tennessee 37027, on this the 21<sup>st</sup> day of October, 2019.

  
Hearing 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 1<sup>st</sup> day of November, 2019.



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.**