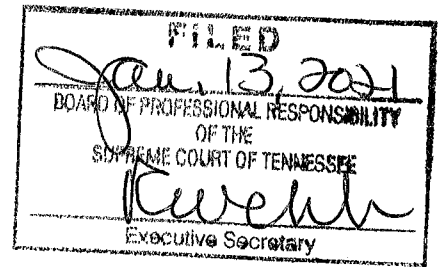


IN DISCIPLINARY DISTRICT IX
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE



IN RE: PAUL JAMES SPRINGER, SR.
BPR #21267, Respondent,
An Attorney Licensed to Practice
Law in Tennessee
(Shelby County)

DOCKET NO. 2019-3014-9-TL

FINDINGS OF FACT AND CONCLUSIONS OF LAW

This matter came to be heard on the 26th day of October, 2020, for the final hearing on the Board's Petition and Supplemental Petition for Discipline before Terrence O. Reed, Panel Chair; Holly J. Renken, Panel Member; and Julia Kavanaugh, Panel Member. Joseph Byrd, Disciplinary Counsel, appeared for the Board. Mr. Paul James Springer made a brief pro se appearance and then exited the proceedings.

STATEMENT OF THE CASE

This is a disciplinary proceeding against the Respondent Paul James Springer, an attorney formerly licensed to practice law in Tennessee since 2001.

1. A Petition for Discipline, Docket No. 2019-3014-9-TL was filed on June 27, 2019, and served upon Mr. Springer on August 5, 2019, by process server. Mr. Springer failed to file an Answer, and on October 7, 2019, the Hearing Panel entered an Order for Default providing that the allegations in the Petition are deemed admitted.

2. A Supplemental Petition for Discipline was filed on January 21, 2020 and served upon Mr. Springer. Mr. Springer filed a Response to the Supplemental Petition on March 16, 2020.

3. The Final Hearing was set for October 26, 2020 and held by telephonic conference. Mr. Springer participated after Disciplinary Counsel made his opening statement by stating his objection on the record and stating that he filed his Sworn Notice Pursuant to Supreme Court Rule 27.4 requesting disability status with the Tennessee Supreme Court as well as in the disciplinary proceeding. Mr. Springer objected to the continuation of the Final Hearing. He further stated that he would rely on the documents he had previously submitted to the Hearing Panel and that he would not participate further. Mr. Springer then left the telephonic conference voluntarily.

4. On October 29, 2020, the Board filed a Response in opposition to Mr. Springer's Sworn Notice Pursuant to Supreme Court Rule 27.4.

INTRODUCTION

The Petition for Discipline and Supplemental Petition for Discipline consist of three (3) separate complaints which are summarized below. The complaints set forth in the Petition for Discipline were introduced into evidence as Exhibit 1. Pursuant to Tenn. Sup. Ct. R. 9, § 15.2(b) (2019) and the Order for Default Judgment entered October 7, 2019, all acts of professional misconduct alleged in the Petition for Discipline were deemed admitted. The two complaints in the Supplemental Petition for Discipline arise from overdraft notices the Board received from First Tennessee Bank, a/k/a First Horizon Bank and copies of returned checks drawn against Mr. Springer's IOLTA account. After considering the statements of Mr. Springer, the testimony of the witnesses, the documents introduced at the final hearing, and argument of counsel for the Board, the Hearing Panel makes the following findings of fact and conclusions of law:

FINDINGS OF FACT

File No. 58654-9-PS — Complaint of Pamela Robinson-Moon

5. Mr. Springer was retained on or about October 30, 2013, by Ms. Robinson-Moon to represent her in a personal injury case.

6. On or about May 10, 2018, Mr. Springer had Ms. Robinson-Moon sign a Release and Settlement of Claim form and assured her at that time that her case would be resolved in a few weeks.

7. At the time of signing the Release and Settlement of Claim form, Mr. Springer assured Ms. Robinson-Moon that her case would be resolved in a few weeks.

8. Mr. Springer materially misrepresented to Ms. Robinson-Moon that the insurance company was not responding to his phone calls.

9. On August 27, 2018, Mr. Springer met with Ms. Robinson-Moon and informed her that he needed to take six (6) classes in order to have his law license reinstated.

10. Ms. Robinson-Moon discovered that on or about September 10, 2016, Mr. Springer received settlement funds from Ms. Robinson-Moon's case totaling Sixteen Thousand Nine Hundred Seventy-One Dollars (\$ 16,971.00).

11. Mr. Springer negotiated the Settlement Check without the endorsement of Ms. Robinson-Moon or, in the alternative, over the forged endorsement of Ms. Robinson-Moon.

12. Mr. Springer negotiated the Settlement Check without the knowledge or consent of Ms. Robinson-Moon.

13. Ms. Robinson-Moon did not receive any of the settlement funds from Mr. Springer.

14. Mr. Springer failed to communicate with Ms. Robinson-Moon after August 27, 2018.

15. Respondent relied on several exhibits that he produced prior to the final hearing: Respondent's Exhibit 2 is the Contingent Fee Retainer Contract signed by Ms. Robinson-Moon (formerly Pamela Smoot); Respondent's Exhibit 3 is a letter from Mr. Springer's law firm dated September 21, 2016 purportedly enclosing a check to USAA in the amount of \$400.00; and Respondent's Exhibit 4 is a letter from Mr. Springer's law firm dated September 21, 2016 purportedly enclosing a check to Regional One Health in the amount of \$4,666.66.

16. Pursuant to the fee agreement, Mr. Springer was entitled to 1/3 of the gross amount recovered or \$5,657. Based on the other exhibits produced by Mr. Springer, USAA was entitled to \$400 and Regional One Health was entitled to \$4,666.66. Therefore, Ms. Robinson-Moon was entitled to \$6,247.34.

17. It is uncontested that Ms. Robinson-Moon is deceased. It is unknown whether there was an estate opened on her behalf.

File No. 60982n-9-MS -Overdraft - First Tennessee Bank
File No. 61843n-9-MS -Overdraft - First Tennessee Bank

18. Mr. Springer was suspended from the practice of law for a period of two years and sixty days on June 23, 2016 (two years on probation and 60 days active suspension). Case No. M2016-OI 120-C-BAR-BP. *See* Exhibit 8.

19. Pursuant to the Order of Enforcement entered June 23, 2016, Mr. Springer was directed to comply with Tenn. Sup. Ct. R. 9 (2006) (current Tenn. Sup. Ct. R. 9 (2014)). *See* Exhibit 8.

20. Pursuant to the Order of Enforcement entered October 2, 2018, (Case No. M201801730-SC-BAR-BP), Mr. Springer was disbarred. *See* Exhibit 9.

21. Pursuant to each Order of Enforcement disbaring Mr. Springer, he was directed to comply with Tenn. Sup. Ct. R. 9, 28 (2014).

22. Pursuant to § 28.8 of Tenn. Supp. Ct. R. 9, Mr. Springer was ordered to take such action as is necessary to cause the removal of any indicia of attorney, lawyer, counselor, legal assistant, law clerk or similar title.

23. Despite the clear directive of the Tennessee Supreme Court, Mr. Springer continued to maintain and use his law firm IOLTA trust account for personal and/or business purposes. *See Exhibit 4.*

24. Mr. Springer's IOLTA law firm trust account remained open after his suspension and disbarment from the practice of law in the name of "Law Office of Paul J. Springer IOLTA" *See Exhibit 6.*

25. Mr. Springer ordered and used checks for the IOLTA account with the name "Law Office of Paul J. Springer Escrow Account" printed on the checks, and Mr. Springer continued to improperly write checks or attempt to access funds via ACH (electronic fund transfers) from his IOLTA trust account. *See Exhibit 6.*

26. Mr. Springer's IOLTA trust account did not contain sufficient funds to cover the ACH withdrawals or trust checks written by Mr. Springer. First Tennessee Bank a/k/a First Horizon Bank provided the Board with notices of overdraft on Mr. Springer's IOLTA trust account on May 13, 2019, in the amount of \$450.00 and on May 15, 2019, in the amount of \$450.00. *See Exhibit 4.*

27. On May 29, 2019, and August 5, 2019, the Board sent a copy of the First Tennessee Bank overdraft notice letter to Mr. Springer and requested a response. *See Exhibit 5.*

28. Mr. Springer never responded to the Board's requests for information about the overdraft notices.

29. Mr. Springer was disbarred a second time on May 24, 2019 (Case No. M201900801-SC-BAR-BP). On March 26, 2020, Mr. Springer was disbarred a third time (Case No. M2020-00404-SC-BAR-BP). On May 22, 2020, Mr. Springer was disbarred a fourth time (Case No. M2020-00716-SC-BAR-BP). *See* Exhibit 9.

30. In the Orders of Enforcement for Mr. Springer's disbarments, each required him to comply with Sup. Ct. R. 9, regarding the obligations and responsibilities of disbarred attorneys.

31. Sup. Ct. R. 9, § 28.8 provides that no later than 20 days of the effective date of the Order, the disbarred attorney "shall take such action as is necessary to cause the removal of any indicia of attorney, lawyer, counselor at law, legal assistant, law clerk, or similar title."

32. Mr. Springer's IOLTA law firm trust account remained open after his disbarment from the practice of law and he continued to use his IOLTA, including writing checks bearing the name "Law Office of Paul J. Springer — Escrow" after his disbarment from the practice of law. *See* Exhibit 7.

33. Mr. Springer's IOLTA trust account did not contain sufficient funds to cover the checks written and ACH transfers attempted by Mr. Springer. First Horizon Bank a/k/a First Tennessee Bank provided the Board with various notices of overdraft on Mr. Springer's IOLTA trust account.

34. First Horizon Bank provided the Board with over 20 overdraft notices on Mr. Springer's IOLTA trust account. The overdraft notices were dated from October 13, 2017 through February 11, 2020. *See* Exhibit 4.

35. The Board sent letters making lawful requests of information relating to the overdraft notices. Mr. Springer failed to respond to the Board's request for information. *See Exhibit 5.*

36. According to testimony at trial by Ms. Tyrina Browning, an officer for First Tennessee Bank a/k/a First Horizon Bank, Mr. Springer's IOLTA trust account was still an open account as of October 26, 2020.

37. Ms. Browning further testified that each check returned for insufficient funds cost the bank thirty-seven dollars (\$37.00).

38. The Board offered proof of over 20 overdrafts by Mr. Springer on his IOLTA account.

39. Mr. Springer filed a Response to Supplemental Petition for Discipline asserting that "the subject account was transferred to a business account in 2017 in the name of MOPJ Co."

40. In support of that assertion, Mr. Springer attached documents that suggest the account ending in number 0241 (his IOLTA account number) is associated with MOPJ.

41. Ms. Tyrina Browning, officer of First Tennessee Bank a/k/a First Horizon Bank testified the IOLTA trust account bore the name "Law Office of Paul J. Springer — Escrow" and was never a business account associated with MOPJ as asserted by Mr. Springer.

42. Moreover, Mr. Springer continued writing checks that bear the name "Law Office of Paul J. Springer — Escrow" as recently as April 22, 2020 in clear violation of the Orders of the Tennessee Supreme Court. *See Exhibit 7.* Mr. Springer was suspended on June 23, 2016, for 2 years and 60 days for using his trust account over a period of approximately five (5) years to pay personal and business expenses and failing to pay medical and judgment liens in a personal injury action. *See Exhibit 8.*

Previous Disciplinary History

43. Mr. Springer was disbarred on October 2, 2018, for failing to reasonably communicate with clients; respond to motions, discovery requests, and show cause orders; continuing to practice law after suspension of his license and failing to notify clients of his suspension and withdrawing as attorney of record; and for failing to refund unearned retainers and provide substantive professional services to his clients. *See Exhibit 9.*

44. Mr. Springer was disbarred on May 24, 2019 for misappropriating settlement funds belonging to his client; engaging in criminal conduct as well as conduct involving dishonesty, deceit, misrepresentations and fraud; making material misrepresentations to his clients; failing to reasonably communicate with his clients; engaging in the unauthorized practice of law and failing to notify clients of his suspension and withdraw as attorney of record. *See Exhibit 9.*

45. Mr. Springer was disbarred on March 26, 2020 for misappropriating settlement funds belonging to his client, making material misrepresentations to his client, failing to reasonably communicate with his client, engaging in the unauthorized practice of law, failing to notify clients of his suspension and withdraw as attorney of record, and engaging in criminal conduct as well as conduct involving dishonesty, deceit, misrepresentations and fraud. *See Exhibit 9.*

46. Mr. Springer was disbarred on May 22, 2020 for misappropriating settlement funds belonging to his client; engaging in criminal conduct as well as conduct involving dishonesty, deceit, misrepresentations and fraud; making material misrepresentations to his clients; failing to reasonably communicate with his clients; engaging in the unauthorized practice of law and failing to notify clients of his suspension and withdraw as attorney of record. *See Exhibit 9.*

CONCLUSIONS OF LAW

47. The jurisdiction and authority of this Panel is derived from Tenn. Sup. Ct. R. 9, and the specific provisions prescribed therein. Attorneys admitted to practice law in Tennessee are subject to the disciplinary jurisdiction of the Tennessee Supreme Court, the Board of Professional Responsibility, the Hearing Committee, hereinafter established, and the Circuit and Chancery Courts. (Tenn. Sup. Ct. R. 9, § 8 (2014)).

48. 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. (Tenn. Sup. Ct. R. 9, § 1 (2014)).

49. Acts or omissions by an attorney, 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. (Tenn. Sup. Ct. R. 9, § 11 (2014)).

50. The Panel finds by a preponderance of the evidence that Mr. Springer violated Tennessee Rules of Professional Conduct 1.2; 1.4; 1.5; 1.15; 8.1(b); 8.4 (a), (b), (c), and (g).

Rule 1.2

Scope of Representation and Allocation of Authority Between Client and Lawyer

51. RPC 1.2(a) provides that “a lawyer shall abide by a client’s decisions 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.”

52. Mr. Springer knowingly negotiated the settlement check without her knowledge or consent and failed to distribute the settlement funds as directed by Ms. Robinson Moon in violation of RPC 1.2(a). Mr. Springer did not file a response contesting liability, and an order of default

was entered on October 7, 2019, deeming these allegations admitted. Ms. Robinson-Moon suffered financial loss of \$6,247.34 because of Mr. Springer's knowing and intentional conduct.

53. Based upon the evidence presented and the record as a whole, the Hearing Panel finds by a preponderance of the evidence Mr. Springer violated RPC 1.2(a).

Rule 1.4 Communication

54. RPC 1.4(a) provides a lawyer shall "promptly inform the client of any decision or circumstance with respect to which the client's informed consent . . . is required"; "reasonably consult with the client about the means by which the client's objectives are to be accomplished"; "keep the client reasonably informed about the status of the matter"; and "promptly comply with reasonable requests for information."

55. Mr. Springer knowingly negotiated the settlement check in Ms. Robinson-Moon's personal injury case and misrepresented to her that the insurance company was not responding to his phone calls, and that he needed to take six classes to get his license to practice law back, in violation of RPC 1.4(a). Mr. Springer did not file a response contesting liability, and an order for default was entered on October 7, 2019, deeming these allegations admitted. Mr. Springer's knowing and intentional failure to honestly and reasonably communicate to Ms. Robinson-Moon caused financial loss.

56. Based upon the evidence presented and the record as a whole, the Hearing Panel finds by a preponderance of the evidence Mr. Springer violated RPC 1.4(a).

Rule 1.5 Fees

57. RPC 1.5 provides that a lawyer "shall not make an agreement for, charge, or collect an unreasonable fee or an unreasonable amount for expenses."

58. Mr. Springer knowingly retained portions of the settlement of Ms. Robinson-Moon for his own use in excess of the amount provided in the fee agreement in violation of RPC 1.5. An order of default was entered on October 7, 2019, deeming these allegations admitted. Mr. Springer's knowing and intentional conduct deprived Mr. Robinson-Moon of funds and caused her financial loss of \$6,247.34.

59. Mr. Springer did not file a response regarding liability, although in his brief statement before the final hearing, Mr. Springer indicated that he had a release executed by Ms. Robinson-Moon stating that she received funds. This release was not produced by Mr. Springer prior to the hearing, nor has it been entered into evidence.

60. Based upon the evidence presented and the record as a whole, the Hearing Panel finds by a preponderance of the evidence Mr. Springer violated RPC 1.5.

Rule 1.15
Safekeeping Property and Funds

61. RPC 1.5 provides a lawyer "shall hold property and funds of clients or third persons that are in a lawyer's possession in connection with a representation separate from the lawyer's own property and funds."

62. RPC 1.15(b) provides that property in the lawyer's trust account other than his/her own property deposited for the sole purpose of paying financial institution service fees or charges on that account "shall be identified as such and appropriately safeguarded."

63. Mr. Springer knowingly misappropriated the portion of the settlement fees due to Ms. Robinson-Moon to his own use, and knowingly used funds in his IOLTA for his personal use in violation of RPC 1.15. Mr. Springer did not file a response regarding liability. An order of default was entered on October 7, 2019, deeming these allegations admitted. His conduct caused financial loss to Ms. Robinson-Moon in the amount of \$6,247.34.

64. The Board argues that Mr. Springer caused financial loss to First Tennessee Bank, a/k/a First Horizon Bank, for twenty-two (22) overdrafts at a rate of \$37.00 each, for a total of \$851.00. The Exhibits presented do not corroborate the statements of counsel for the Board exactly. However, the Hearing Panel finds that there are in excess of twenty (20) overdrafts entered into evidence.

65. The Hearing Panel finds Ms. Browning to be a credible witness. It is clear that the bank charges \$37.00 for each overdraft. However, the Hearing Panel did not have enough proof regarding the actual cost of each overdraft of the bank in order to justify the financial loss of \$851.00.

66. Based upon the evidence presented and the record as a whole, the Hearing Panel finds by a preponderance of the evidence Mr. Springer violated RPC 1.15.

Rule 8.1(b)
Bar Admission and Disciplinary Matters

67. Pursuant to RPC 8.1(b), a lawyer in connection with a disciplinary matter, shall not “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.”

68. Mr. Springer knowingly failed to respond to the lawful requests of the Board of Professional Responsibility for information and knowingly misrepresented that his IOLTA account was “transferred to a business account in 2017 in the name of MOPJ Co.” in violation of RPC 8.1(b).

69. Based upon the evidence presented and the record as a whole, the Hearing Panel finds by a preponderance of the evidence Mr. Springer violated RPC 8.1(b).

Rule 8.4(a), (b), (c) and (g)
Misconduct

70. RPC 8.4(a) provides it is professional misconduct for a lawyer to “violate or attempt to violate the Rules of Professional Conduct.”

71. RPC 8.4(b) provides it is professional misconduct for a lawyer to commit a criminal act that reflects adversely on the lawyer’s honesty, trustworthiness, or fitness as a lawyer in other respects.”

72. RPC 8.4(c) provides it is professional misconduct for a lawyer to “engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.”

73. RPC 8.4(g) provides it is professional misconduct for a lawyer to “knowingly fail to comply with a 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 is seeking in good faith to determine the validity, scope, meaning, or application of the law upon which the order is based.”

74. Mr. Springer knowingly misappropriated the settlement funds of Ms. Robinson-Moon for his own use which constitutes theft, involves dishonesty, fraud, deceit, and misrepresentation, and reflects adversely on the lawyer’s honesty, trustworthiness, and fitness as a lawyer.

75. Mr. Springer knowingly violated Orders of Enforcement entered by the Tennessee Supreme Court prohibiting Mr. Springer from maintaining any indicia of attorney, lawyer, counselor at law or similar title. Mr. Springer’s continued use of an IOLTA trust account bearing the name “Law Office of Paul J. Springer — Escrow” clearly indicates to the public that he is a lawyer or counselor at law and violates Orders of Enforcement entered by the Tennessee Supreme Court suspending and disbaring Mr. Springer. Additionally, Mr. Springer filed pleadings with

the Board that contained allegations regarding the nature of his IOLTA trust account that were not supported by the testimony at trial.

76. Based upon the evidence presented and the record as a whole, the Hearing Panel finds by a preponderance of the evidence Mr. Springer violated RPC 8.4(a), (b), (c) and (g).

Application of the ABA Standards

77. Pursuant to Tenn. Sup. Ct. R. 9, § 15.4, the appropriate discipline must be based upon application of the *ABA Standards for Imposing Lawyer Sanctions*, (“ABA Standards”). Tenn. Sup. Ct. R. 9, § 15.4(a) states that “[i]f the hearing panel finds one or more grounds for discipline of the respondent attorney, the hearing panel’s judgment shall specify the type of discipline imposed: disbarment (Section 12.1), suspension (Section 12.2), or public censure (Section 12.4).

78. In imposing a sanction after a finding of lawyer misconduct, the Panel should consider the following factors: (a) the duty violated; (b) the lawyer’s mental state; (c) the actual or potential injury caused by the lawyer’s misconduct; and d) the existence of aggravating or mitigating factors. *See* ABA Standard 3.0. The ABA Standards define *intent* as “the conscious objective or purpose to accomplish a particular result.” *Knowledge* is defined as “the conscious awareness of the nature or attendant circumstances of the conduct but without the conscious objective or purpose to accomplish a particular result.

79. *ABA Standards for Imposing Lawyer Sanctions* are guideposts for determining the appropriate level of discipline for attorney misconduct. *Lockett v. Bd. of Prof’l Responsibility*, 380 S.W.3d 19, 26 (Tenn. 2012). The ABA Standards are not designed to propose a specific sanction for each of the myriad of fact patterns in cases of lawyer misconduct, and a hearing panel may consider the full panoply of sanctions applicable to lawyer misconduct even if a particular ABA

Standard does not explicitly describe the fact pattern in question. Bd. of Prof'l Responsibility v. Daniel, 549 S.W.3d 90, 100-102 (Tenn. 2018). In cases where lawyer misconduct seems to fall between presumptive sanctions or within multiple ABA Standards identifying different presumptive sanctions, hearing panels and the Tennessee Supreme Court are able and authorized to make an ultimate determination on the appropriate sanction. Id. at 102. Under such circumstances, hearing panels should identify all relevant ABA Standards and then determine a sanction within the range of the presumptive sanctions identified in the relevant ABA Standards. Id. The ABA Standards suggest the appropriate baseline sanction, and aggravating and mitigating factors provide a basis for increasing or reducing the sanction imposed. ABA Standard 3.0; *See also Hancock v. Bd. of Prof'l Responsibility*, 447 S.W.3d 844, 857 (Tenn. 2014) (The length of an attorney's suspension, however, depends in large part on the aggravating and mitigating circumstances.)

The Hearing Panel finds the following ABA Standards applicable in this matter. 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 potential serious injury to a client.

5.11 Disbarment is generally appropriate when:

(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.

7.1 Disbarment is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed as a professional with the intent to obtain a benefit for the lawyer or another, and causes serious or potentially serious injury to a client, the public, or the legal system.

8.1 Disbarment is generally appropriate when a lawyer:

(a) intentionally or knowingly violates the terms of a prior disciplinary order and such violation causes injury or potential injury to a client, the public, the legal system, or the profession; or

(b) has been suspended for the same or similar misconduct, and intentionally or knowingly engages in further similar acts of misconduct that cause injury or potential injury to a client, the public, the legal system, or the profession.

Aggravating and Mitigating Circumstances

80. Having determined disbarment is the appropriate baseline sanction, the Panel must consider the existence of any aggravating or mitigating factors and their applicability to this disciplinary matter. Pursuant to ABA Standard 9.22, the following aggravating factors were considered by the Hearing Panel:

a. 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, and failing to respond to the Board regarding a lawful demand for information. In the present disciplinary action, Mr. Springer continues a pattern of misrepresentation, dishonesty, deceit, misappropriation, and lack of diligence and reasonable communication.

b. Multiple Offenses: Mr. Springer's multiple offenses and instances are an aggravating circumstance justifying an increase in the degree of discipline to be imposed.

Mr. Springer has displayed a pattern of misappropriating client funds and making material misrepresentations and failing to communicate with his clients.

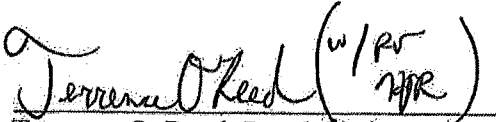
c. Substantial Experience in the Practice of Law: Mr. Springer's substantial experience, having been licensed in Tennessee in 2001, is an aggravating circumstance.

d. Dishonest or Selfish Motive: Mr. Springer's misappropriation of client funds and continuing use of his IOLTA after his disbarment demonstrates a dishonest or selfish motive.


JUDGMENT

Based upon the facts deemed admitted in this action, the evidence presented at the final hearing, the application of the Rules of Professional Conduct and considering the ABA Standards, and the entire record in this cause, the Hearing Panel finds by a preponderance of the evidence that Mr. Springer committed disciplinary misconduct and should be permanently 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 Pamela Robinson-Moon's estate pursuant to Tenn. Sup. Ct. R. 9, § 12.7 in the amount of \$6,247.34. The Hearing Panel further finds it appropriate and necessary that Mr. Springer's law firm IOLTA trust account be closed, and First Tennessee Bank a/k/a First Horizon Bank shall be authorized to take all steps necessary to close Mr. Springer's law firm IOLTA trust account ending in number 0241.

IT IS SO ORDERED ON THIS THE 13th DAY OF January, 2021.


Terrence O. Reed, Panel Chair


Holly J. Renken, Panel Member

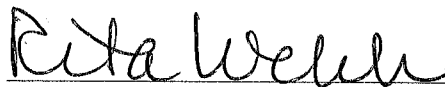

Julia Marie Kavanagh, Panel Member

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 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 Joseph K. Byrd, Disciplinary Counsel, on this the 14th day of January 2021.

A handwritten signature in cursive script that reads "Rita Webb". The signature is written in black ink and is positioned above 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.