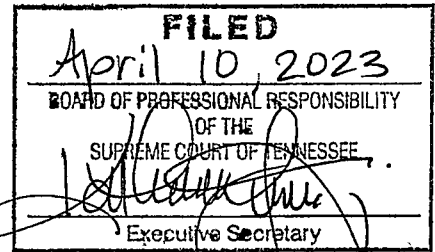


IN DISCIPLINARY DISTRICT I
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE



IR RE: CAPP PETERSON TAYLOR
BPR No. 025820 Respondent,
An Attorney Licensed to Practice
Law in Tennessee
(Jefferson County)

DOCKET NO. 2022-3286-1-AW-30.4(d)

REPORT AND RECOMMENDATION OF HEARING COMMITTEE PANEL

This matter came before the Disciplinary Hearing Panel for the First District of Tennessee on March 10, 2023, at 9:00 AM upon the filing of a Petition for Reinstatement of his license to practice law by Respondent Capp Peterson Taylor (hereinafter "Taylor") on October 7, 2022, and the Response of the Board of Professional Responsibility (hereinafter "BPR") to Petition for Reinstatement on November 10, 2022. Present before the Hearing Committee Panel were Taylor; Mr. A. Russell Willis, Deputy Chief Disciplinary Counsel for BPR; and the members of the Hearing Committee Panel, Mr. Scott D. Hall (chair), Mr. Jeffery S. Greene, and Mr. Jeffrey L. Stern. Two Affidavits of Character by attorneys Ms. Eileen F. Piper and Mr. Stephen Haskins submitted by Taylor without objection from BRP. No witnesses testified against Taylor.

Prior to hearing testimony, the parties (BPR and Taylor) agreed and stipulated that the affidavits of attorneys Ms. Eileen F. Piper and Mr. Stephen Haskins are hereby entered into evidence, and that parties also stipulated and agreed that Taylor has satisfied all conditions set forth in the order imposing discipline upon him in that he has completed all of his CLE requirements through the year 2022, had paid all outstanding registration fees and all outstanding professional privilege tax, had remitted all court costs to the BPR due in this matter, had not incurred any new disciplinary complaints during his suspension up to and including the date of hearing. The parties further agreed that and stipulated that the only issues before the disciplinary hearing panel were whether Taylor met the remainder of the qualifications of Tenn. Supreme Court Rule 9, section 30.4(d)(1). More specifically, whether Taylor could prove by clear and convincing evidence that he possessed the moral qualifications, competency and learning in law required for admission to practice law in Tennessee, and that the resumption of the practice of law within Tennessee would not be detrimental to the integrity and standing of the bar, to the administration of justice, or subversive to the public interest.

Based on the pleadings, the testimony of Taylor, admitted affidavits of attorneys Ms. Eileen F. Piper and Mr. Stephen Haskins, and on the record as a whole, the disciplinary hearing panel finds that Taylor did, by clear and convincing evidence, establish that he possessed the

moral qualifications, competency and learning in the law required for admission to practice law in Tennessee, and that the resumption of the practice of law within Tennessee would not be detrimental to the integrity and standing of the bar, to the administration of justice, or subversive to the public interest. The disciplinary hearing panel therefore respectfully recommends to the Tennessee Supreme Court that Taylor be reinstated to practice law.

In support of its decision and recommendation, the Disciplinary Hearing Panel makes the following decision and report containing its findings of fact and conclusions of law pursuant to Tenn. Supreme Court R. 9, Section 30.4(d)(4):

- 1) **STANDARD OF PROOF:** Tennessee Supreme Court Rule 9 Section 30.4 sets forth the requirements for reinstating the license of a lawyer in Taylor's position.

The burden for establishing that he has met the qualifications set forth by the Tennessee Supreme Court for reinstatement lies with the Petitioner. He must prove by clear and convincing evidence, that he has complied with the requirements set forth in not only his order of suspension, but also Tennessee Supreme Court Rule 9 so that through his testimony and that of his witnesses as well as the exhibits introduced at hearing, he produces "In the finder's mind a firm belief or conviction with regard to the truth of the allegations sought to be established." *O'Daniel v. Messer*, 905 S.W.2nd 182, 188 (Tenn. Ct. App. 1995). We find that the evidence Taylor presented meets this standard.

- 2) **REQUIREMENTS** set forth in Tenn. S. Ct. R. 9 Section 30.4(d)(1):

Moral Qualifications:

In *Hughes v. Board of Professional Responsibility of the Supreme Court of Tennessee*, 259 S.W. 3d 361 (Tenn. 2008), the Court set forth the evidence necessary to establish that a lawyer is morally qualified to practice law. More than "conclusory statements" are required. *Id.* Rather, the applicant must demonstrate "specific facts and circumstances which have arisen since" the disciplinary action "that demonstrate either rehabilitation or remorse. *Id.* Citing *Murphy v. Bd. Of Prof'l Responsibility*, 924 S.W.2d 643, 647 (Tenn. 1996).

Taylor testified that he is remorseful for his conduct that resulted in his suspension, which largely falls into the category of a lack of diligence on his part and has shown a genuine understanding of how his internet advertisement violated the Ethics rules. That his advertisement was acceptable in the State of Florida where his law practice was previously located. That he had disbanded his law firm and corporation in Florida, that his daughter had incorporated a corporation in Tennessee where he provided legal services to clients of the new corporation, and that she continued to use the prior advertisement and that Taylor fully understands that a new advertisement should have been created and that the old advertisement should have been discontinued from further use.

Taylor also acknowledged receiving retainer amounts from clients which he failed to place in a trust account until those monies were earned. Apparently there was some confusion as Federal Law does not require an attorney to represent an employee in a Federal Employee Compensation Act case, yet Taylor was representing himself as an attorney, and as such was

required to place any unearned client retainer monies into a trust account until earned, and that since his suspension Taylor has testified that he has completed CLE credits specifically regarding management of trust accounts and knows that he can inquire the Board for any questions regarding trust accounts that may arise.

This factor favors Taylor's reinstatement.

Competency and Learning in the Law:

It is insufficient to simply offer conclusory testimony that the attorney had done a very good job of staying current in the law or that the attorney was a competent attorney before the disciplinary sanction was imposed. *Culp v. Bd. Of Prof'l Responsibility for the Supreme Court of Tenn.*, 407 S.W.3d 201, 210 (Tenn. 2013).

BPR has stipulated that Taylor has maintained his CLE hours required throughout his suspension period.

Former Assistant U.S. Attorney Eileen F. Piper testified via affidavit that she has been personally acquainted with Taylor for 10 years and that Taylor possesses a very high level of skill within his field as a federal workers' compensation representative, he puts forth the maximum effort in his representation both as to his skill and diligence and compassion for clients.

Board Certified Civil Trial Attorney Stephen Haskins testified via affidavit that he has been personally acquainted with Taylor for over 45 years, and that Taylor is very knowledgeable and accomplished federal workers' compensation attorney, that Taylor when practicing in Florida was a very well respected and accomplished Board Certified Workers' Compensation Attorney.

That Taylor testified he practiced in a very limited practice area within a relatively small group of attorneys across the nation and that he was considered "The Expert" in the field and that he routinely received calls from colleagues across the country looking for help and assistance in related matters.

This factor favors Taylor's reinstatement.

Integrity and Standing of the Bar / Public Interest:

According to *Hughes*, 259 S.W.3d 361, 646, this analysis requires that we consider the nature of the conduct that led to Taylor's suspension and any impact his conduct will have on the integrity of and public trust in the justice system.

Again, both affidavits submitted and not objected to entry by the BPR indicate a high degree of skill, diligence and compassion by Taylor, as well as him being well respected and accomplished.

Taylor again testified that he has extensive experience in a very limited practice area of federal employee workers' compensation, and that he will once again be a viable asset to assist the clients in need of these limited services.

This factor favors Taylor's reinstatement.

Taylor has met, and BPR agrees that he has satisfied all conditions set forth in the order imposing discipline and has paid all costs of the BPR incurred in the prosecution of discipline against him.

This factor favors Taylor's reinstatement.

Taylor testified that he would readily follow any additional recommendations of this Hearing Panel.

This factor favors Taylor's reinstatement.

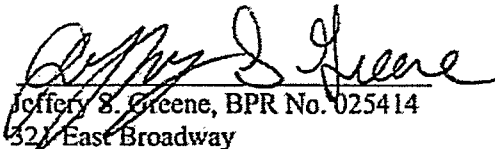
WHEREFORE, FORMER PREMISES CONSIDERED, THE HEARING PANEL RECOMMENDS AND ORDERS, SUBJECT TO THE APPROVAL OF THE TENNESSEE SUPREME COURT:

That Taylor's active suspension be lifted and that he be reinstated to the practice of law in the State of Tennessee subject to the normal requirements placed on all attorneys licensed to practice law in the State of Tennessee with no additional specific requirements added to Taylor.


Signed, this, the 10th day of April, 2023.



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Chair of Hearing Panel
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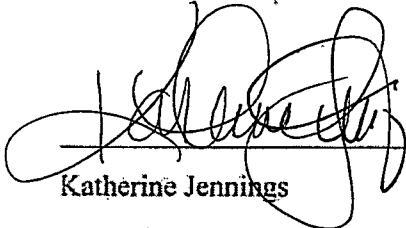


Jeffrey L. Stern, BPR No. 023910
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CERTIFICATE OF SERVICE

I certify that a copy of the forgoing has been sent to Petitioner, Capp Peterson Taylor, P.O. Box 17700, Dandridge, TN 37725, by U.S. First Class Mail, and hand-delivered to A. Russell Willis, Chief Disciplinary Counsel for BPR,

On this the 10th day of April 2023.



Katherine Jennings
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.