

FILED

2018 AUG -9 PM 12:00

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

BOARD OF PROFESSIONAL  
RESPONSIBILITY

*Kew*

EXEC. SEC. Y

**IN RE: KEVIN WILLIAM TEETS, JR.  
BPR No. 029981, Respondent,  
an Attorney Licensed to Practice  
Law in Tennessee  
(Davidson County)**

**DOCKET NO. 2017-2784-5-AJ**

**RULING OF THE HEARING PANEL**

This matter was heard in Nashville, Tennessee on Thursday, July 12, 2018 on the Petition for Discipline filed by the Board of Professional Responsibility against attorney KEVIN WILLIAM TEETS, JR. (B.P.R.#29981). The Hearing Panel for this final hearing consisted of attorneys Abby R. Rubinfeld, Janelle A. Simmons, and Paul C. Ney. The Respondent was represented by Darrell G. Townsend, and the Board was represented by Alan D. Johnson.

**PROCEDURAL BACKGROUND**

On March 3, 2017, the Board of Professional Responsibility issued an ex parte Order to temporarily suspend the law license of Respondent KEVIN WILLIAM TEETS, JR., for posing a substantial threat of harm to the public for misappropriating funds from a non-profit organization on whose Board he sat. Mr. Teets filed a Petition for Dissolution or Amendment of Order of Temporary Suspension on that same day, March 3, 2017. A hearing was held on the Petition before a Hearing Panel of three members on March 13, 2017. That panel issued a Report and Recommendation on March 15, 2017 finding that the Petition was well-taken and that Mr. Teets did not pose a threat of substantial harm to the public such that the suspension was lifted, but

subject to certain conditions, including a practice monitor, continued mental health counseling, continued participation in the Tennessee Lawyers Assistance Program (TLAP), and paying the costs of the case. The temporary suspension of Mr. Teets' license was dissolved on March 22, 2017.

The Board then filed its Petition for Discipline against Mr. Teets on November 7, 2017. Mr. Teets filed an Answer on December 18, 2017. A Hearing Panel was appointed on December 27, 2017. A Scheduling Order was entered on January 25, 2018, and an Amended Scheduling Order was entered on May 31, 2018. The matter was set for full hearing before the 3-member hearing panel on July 12, 2018. Both sides presented live testimony from witnesses, and Mr. Teets also submitted the Declaration of his therapist, Stephen Daniel Williams, LPC/MHSP, who was not available.

#### **FINDINGS OF FACT**

Based on all the evidence presented, the Hearing Panel makes the following findings of fact:

1. Mr. Teets graduated from Drake University Law School in 2009.
2. Mr. Teets was first licensed to practice law in Iowa in 2009, and then obtained a master's degree in Public Administration in 2010.
3. Mr. Teets moved from Iowa to Tennessee in 2010 to manage a state senate campaign, and remained involved in Tennessee political campaigns across the state since that time.
4. Mr. Teets was first licensed to practice law in Tennessee in 2011; he has practiced primarily as a solo practitioner since that time, with a practice primarily involving criminal cases.

5. This matter is the first disciplinary complaint against Mr. Teets.
6. Mr. Teets had a stressful family background, including being rejected by his family when he came out to them as being gay in late June 2015 when he was 31.
7. In the late summer/early fall of 2016, Mr. Teets was approached by a friend, Jessica Thurmond, to provide legal assistance to a start-up non-profit called "Lace Up With Love", that Ms. Thurmond established to help homeless people.
8. Mr. Teets eventually agreed to perform the work on a pro bono basis for a period of time if he was made a voting member of the company.
9. In September 2016, Mr. Teets joined the Board of the non-profit and was elected treasurer; the other Board members were Jessica Thurmond (President), Kelly Ott (Vice-President), and Ernest Grones.
10. Lace Up With Love opened a bank account in late October 2016, and deposited approximately \$700.00 in donations the company had received.
11. From November 2016 through mid-December 2016, Mr. Teets misappropriated funds from the organization.
12. In November 2016, Mr. Teets misappropriated \$5,095.24, which caused the organization to incur \$126.00 in bank fees; during that same month, Mr. Teets reimbursed the organization \$3,600.00 of the sum he had taken, leaving \$1,621.24 still missing for that month.
13. In December 2016, Mr. Teets misappropriated \$3,577.76 from the organization's bank account, and converted \$664.00 in cash to benefit himself; during that same month, he reimbursed the organization \$500.00, leaving \$3,832.76 still missing for that month.
14. In late December, the other members of the Board confronted Mr. Teets after

discovering the misappropriations.

15. When confronted, Mr. Teets willingly admitted his improper conduct.

16. By early 2017, Mr. Teets had fully reimbursed the organization and agreed to a course of action that required his resignation from the organization and that he seek help for the gambling problem that he stated led to his misconduct.

17. Following the rejection by his family in the second half of 2015, Mr. Teets started suffering from depression; rather than seeking professional help, Mr. Teets attempted to address his issues on his own.

18. During the 2016 holiday season in November and December, Mr. Teets was particularly stressed and having a difficult time; by his own admission, he found an escape through gambling.

19. During November and December 2016, Mr. Teets spent 3 or more days weekly at a casino, including Thanksgiving and Christmas, to escape the rejection he felt from his own family.

20. During November and December, 2016, Mr. Teets abused his role as Treasurer for Lace Up With Love by misappropriating funds from the organization to fund his gambling problem and took the funds described in ¶12 and ¶13 above.

21. Mr. Teets and his colleagues on the Board of the organization tried to work out the issue on their own, and Mr. Teets agreed to do the things requested of him by the organization's Board.

22. Mr. Teets cooperated with the Board members from the beginning, including driving home immediately from the casino where he was gambling on the day the Board members called

him about discovering the misappropriations.

23. Mr. Teets resigned from the Board of Lace Up With Love on January 1, 2017, posted his resignation on his social media accounts that same day, and made restitution to the organization of more than they determined he had misappropriated.

24. Mr. Teets made full restitution before he knew that Ms. Thurmond was going to file a disciplinary complaint against him.

25. On his own, Mr. Teets also contacted four friends to create what he has called a "Circle of Accountability", friends who are available to confer with and consult with Mr. Teets concerning his personal issues, his therapy, and the effects of this matter.

26. In early January 2017, Mr. Teets voluntarily contacted the appropriate authorities at the Evansville casino he frequented and requested that his name be put on a list of people who are barred from entering; he has not entered a casino since January 1, 2017.

27. Mr. Teets also voluntarily began counseling to address his gambling and depression.

28. Ms. Thurmond filed a complaint against Mr. Teets with the Board of Professional Responsibility on January 2, 2017.

29. Following the temporary suspension of Mr. Teets' law license, his misconduct became public; he had to notify clients, co-counsel, and opposing counsel by certified mail of the suspension of his law license, and he could not take on any new matters.

30. The temporary suspension of Mr. Teets law license was publicized on local and even national media.

31. Mr. Teets engaged Nashville lawyer, William Leader, Esq., as his practice monitor following the lifting of his suspension.

32. The relationship between Mr. Leader and Mr. Teets developed into a mentoring relationship in which Mr. Teets has continued to meet with and maintain contact with Mr. Leader for the purpose of seeking guidance in his law practice.

33. Mr. Leader testified that Mr. Teets' rehabilitation efforts have been commendable and that he is sincerely contrite.

34. Both Mr. Teets and Mr. Leader intend to continue this monitor and mentor/mentee relationship.

35. Mr. Teets has been engaged in the practice of law since his suspension was lifted without any further complaint concerning his conduct as a lawyer.

36. No proof was presented that Mr. Teets is currently a threat to the public.

37. No criminal charges were brought against Mr. Teets.

38. In written testimony admitted without objection and which was not refuted, Mr. Teets' therapist, Stephen Daniel Williams, LPC/MHSP, stated emphatically that it is unlikely that Mr. Teets will repeat the behavior that constituted misconduct:

In my opinion, Mr. Teets' prognosis is very good. As noted above, his coping skills which allow him to address underlying issues are excellent. It is my opinion that continued periodic therapy would be helpful for Mr. Teets. It is further my opinion that any repetition of the sorts of actions in which Mr. Teets engaged in November and December, 2016 is extremely unlikely.

Declaration of Stephen Daniel Williams, Exhibit 7, p. 3 (emphasis added).

### **CONCLUSIONS OF LAW**

39. Under Rule 9, §3, of the Rules of the Supreme Court of Tennessee, it is a privilege to have a law license and it is the duty of every recipient of that privilege to conduct herself at all



times in conformity with the standards imposed upon members of the bar as conditions for that privilege.

40. Acts or omissions by an attorney which violate the Tennessee Rules of Professional Conduct constitute misconduct and are grounds for discipline.

41. Here, there is clear and convincing evidence, including Mr. Teets' own admission, that establishes that Mr. Teets violated the Rules of Professional Conduct.

42. Rule 8.4 (a) (b) and (c) of the Tennessee Rules of Professional Conduct states:

It is professional misconduct for a lawyer to:

(a) violate or attempt to violate the Rules of Professional Conduct, knowingly assist or induce another to do so, or do so through the acts of another;

(b) commit a criminal act that reflects adversely on the lawyer's honesty, trustworthiness, or fitness as a lawyer in other respects;

(c) engage in conduct involving dishonesty, fraud, deceit, or misrepresentation.

43. The actions of Mr. Teets in misappropriating for himself funds from a non-profit organization on whose Board he sat and to the bank accounts of which he had access by virtue of his Board role constitute a violation of Rule 8.4, as they involve dishonesty and deceit, at the least.

#### **APPLICABLE ABA STANDARDS**

44. The purpose of the American Bar Association (ABA) Standards for Imposing Lawyer Sanctions "is to protect the public and the administration of justice from lawyers who have not discharged, will not discharge, or are unlikely properly to discharge their professional duties to clients, the public, the legal system, and the legal profession." See Part A., 1.1.

45. The ABA Standards also make clear the factors that should be considered in imposing discipline for findings of misconduct:

In imposing a sanction after a finding of lawyer misconduct, a court should consider the following factors:

- (a) the duty violated;
- (b) the lawyer's mental state;
- (c) the potential or actual injury caused by the lawyer's misconduct; and,
- (d) the existence of aggravating or mitigating factors.

See ABA Standards, Part C., 3.0.

46. The ABA Standards, and the practice of the Tennessee Board of Professional Responsibility, requires that once formal charges have been filed and served, "lawyer discipline should be public", whether it be disbarment, suspension, or reprimand. See Part A., 1.2.

### **AGGRAVATING FACTORS**

47. The ABA Standards list a number of "aggravating factors" to be considered:

- (a) prior disciplinary offenses;
- (b) dishonest or selfish motive;
- (c) a pattern of misconduct;
- (d) multiple offenses;
- (e) bad faith obstruction of the disciplinary proceeding by intentionally failing to comply with rules or orders of the disciplinary agency;
- (f) submission of false evidence, false statements, or other deceptive practices during the disciplinary process;
- (g) refusal to acknowledge wrongful nature of conduct;
- (h) vulnerability of victim;
- (i) substantial experience in the practice of law;
- (j) indifference to making restitution;
- (k) illegal conduct, including that involving the use of controlled substances.

See ABA Standards, Part C., 9.2.



48. None of the listed aggravating factors are present in this case.

### **MITIGATING FACTORS**

49. The ABA Standards list a number of "mitigating factors":

- (a) absence of a prior disciplinary record;
- (b) absence of a dishonest or selfish motive;
- (c) personal or emotional problems;
- (d) timely good faith effort to make restitution or to rectify consequences of misconduct;
- (e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings;
- (f) inexperience in the practice of law;
- (g) character or reputation;
- (h) physical disability;
- (i) mental disability or chemical dependency including alcoholism or drug abuse when:
  - (1) there is medical evidence that the respondent is affected by a chemical dependency or mental disability;
  - (2) the chemical dependency or mental disability caused the misconduct;
  - (3) the respondent's recovery from the chemical dependency or mental disability is demonstrated by a meaningful and sustained period of successful rehabilitation; and
  - (4) the recovery arrested the misconduct and recurrence of that misconduct is unlikely;
- (j) delay in disciplinary proceedings;
- (k) imposition of other penalties or sanctions;
- (l) remorse;
- (m) remoteness of prior offenses.

See ABA Standards, Part C., 9.3.

50. A number of the listed mitigating factors were proven in this case:

- (a) absence of a prior disciplinary record;
- (c) personal or emotional problems;
- (d) timely good faith effort to make restitution or to rectify consequences of misconduct;
- (e) full and free disclosure to disciplinary board or cooperative attitude toward proceedings;
- (f) inexperience in the practice of law;

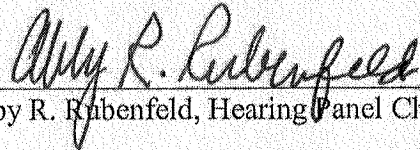
- (k) imposition of other penalties or sanctions;
- (l) remorse;

See ABA Standards, Part C., 9.3.

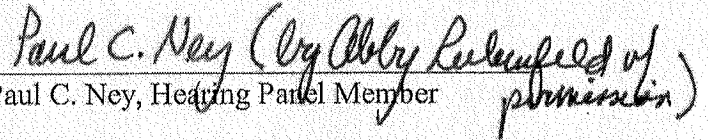
### CONCLUSION

51. Based on the record, the ABA Standards, and the aggravating/mitigating factors, this Panel finds that the appropriate sanction for Mr. Teets' violation of Rule 8.4 of the Tennessee Rules of Professional Conduct is a public censure, with the prior conditions imposed March 15, 2017 continuing for a year: use of a practice monitor (preferably continuing with William Leader); weekly counseling with Mr. Williams and following his recommendations, continue working with TLAP; and, paying the costs of this proceeding.

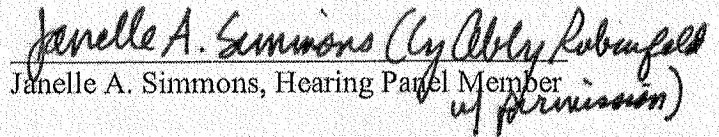
**IT IS SO ORDERED.**



Abby R. Rubinfeld, Hearing Panel Chair

 (by Abby Rubinfeld of permission)

Paul C. Ney, Hearing Panel Member

 (by Abby Rubinfeld of permission)

Janelle A. Simmons, Hearing Panel Member

**CERTIFICATE OF SERVICE**

I certify that a copy of the foregoing has been sent to Respondent, Kevin William Teets, Jr., PO Box 60121, Nashville, TN 37206-0121, and to his Counsel, Darrell G. Townsend, 300 James Robertson Parkway, Nashville, TN 37201-1107, via U.S. First Class Mail, and hand-delivered to Alan D. Johnson, Disciplinary Counsel, on this the 9<sup>th</sup> day of August, 2018.

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

Rita Webb  
Executive Secretary

**NOTICE**

**This judgment may be appealed by filing a Petition for Review in the appropriate Circuit or Chancery Court in accordance with Tenn. Sup. Ct. R. 9, § 33.**