

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

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

DOCKET NO. 2019-2963-5-JM

FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT

On June 18, 2020, a Hearing Panel comprised of Mr. William R. O'Bryan, Jr., Panel Chair; Mr. Robert Bigelow, Panel Member; and Mr. Keene Bartley, Panel Member, heard arguments and received testimony and documentary evidence in this matter brought by The Board of Professional Responsibility (the "Board") by Petition against Respondent, Attorney Kevin William Teets Jr. ("Mr. Teets"). Mr. Teets was represented by Mr. Jonathon Fagan and the Board was represented by Mr. Jerry Morgan. The record was closed via Order entered on July 24, 2020.

OVERVIEW

This disciplinary proceeding involves the statements made by an attorney to a Tennessee state court, in a criminal proceeding. The issues involve whether the attorney, by commission and/or omission, misrepresented facts to the court in a serious matter.

The Hearing Panel has carefully reviewed the evidence and the record. The Panel has determined that the preponderance of the evidence establishes that the attorney willfully provided inaccurate information and made false statements to the court in a serious matter.

The Panel's findings and conclusions are set out below. For the reasons set forth below, the attorney must now be suspended from the practice of law for a period of one (1) year and will

be required to undertake additional ethics and professionalism education. While the attorney's statements are alleged to have been made to the court with good intentions, as described below, those alleged altruistic motives do not excuse or justify the unprofessional conduct in violation of the Tennessee Code of Professional Responsibility.

FINDINGS OF FACT

RESPONDENT'S BACKGROUND

1. Mr. Teets graduated from Drake University Law School in 2009 and was licensed to practice law in the state of Iowa that same year.
2. In 2010, Mr. Teets graduated from Drake University with a Master's Degree in Public Administration.
3. Mr. Teets left the state of Iowa in 2010 and returned to Tennessee to begin working as the campaign manager for Tennessee State Senator Lowe Finney in Jackson, TN.
4. In 2011, Mr. Teets sat for and passed the Tennessee bar, but continued working in politics when he moved from Jackson to Nashville and was hired as the Chief of Staff for TN House Minority Leader Craig Fitzhugh.
5. In 2012, Mr. Teets left Nashville and moved to Winchester, TN where he worked as a campaign manager for State Senator Eric Stewart's campaign for the United States Congress in Tennessee's 4th Congressional District.
6. In 2013, Mr. Teets returned to Nashville and worked as the Executive Director of the Tennessee Democratic Party.
7. In 2014, Mr. Teets managed the political campaign for Nashville District Attorney Glenn Funk, and in October of 2014, Mr. Teets began practicing

law in Tennessee as an Assistant District Attorney in the Davidson County General Sessions Courts.

8. After six months of practicing law, Mr. Teets returned to politics in March of 2015 and managed the Nashville mayoral campaign for Mr. Bill Freeman.
9. In January of 2016, Mr. Teets resumed practicing law as a solo practitioner focusing mostly on criminal defense and small claims civil litigation matters.

RETENTION OF RESPONDENT BY DEMETRIUS RANDLE

10. In August of 2016, Mr. Teets was retained to represent Mr. Demetrius Randle, aged 33, who was initially facing a criminal charge of aggravated assault in the Williamson County General Sessions Court.
11. On August 31, 2016, Mr. Randle executed a bond in the amount of \$25,000.00, with bonding company Free At Last as the surety and Christina Norris ("Ms. Norris") identified as the bonding agent.
12. Mr. Randle worked three part-time jobs and provided for his two children, for whom he had joint custody and who resided with him part-time, and also provided for his disabled mother who also resided with him.
13. Mr. Randle chose to have his case bound over to the Williamson County Grand Jury, in February of 2017, he appeared in the Williamson County Circuit Court to be arraigned on the charge of aggravated assault and learned for the first time that the Grand Jury had also indicted him on the felony charge of violating the Tennessee Adult Protection Act.

14. Mr. Randle was temporarily taken into custody on the new criminal charge; Mr. Teets contacted Mr. Randle's bonding agent, Ms. Christina Norris, with Free at Last Bail Bonds, to see whether the company would remain on his current bond, given that a new criminal charge is grounds for a bonding company to be released, and to also inquire whether the bonding company, if willing to stay on its current bond, would be willing to post bond for Mr. Randle on the new charge.
15. During the conversation with Mr. Teets, bonding agent Ms. Norris agreed to remain as surety on the bond for Mr. Randle's original charge of Aggravated Assault and also agreed to post his bond on the new charge for violating the Adult Care act; this allowed Mr. Randle to be released from the custody of the Williamson County Sheriff's Department.
16. On February 23, 2017, Mr. Randle executed a second bond in the amount of \$15,000.00, with Free At Last once again identified as the surety and Ms. Norris as the bonding agent.
17. The second bond executed in February 23, 2017, was for the same incident, but resulted from an additional charge of abuse, neglect or exploitation under the Tennessee Adult Protection Act.
18. In May of 2017, Mr. Randle entered an open plea to both charges and then appeared before Judge Michael Binkley to have his case set for a sentencing hearing.
19. During Mr. Randle's plea before the Court, Judge Binkley commented on the nature of the charges pending against Mr. Randle in a manner that Mr.

Teets perceived to be inappropriate and potentially detrimental to Mr. Randles' position.

20. Mr. Teets respectfully requested Judge Binkley to recuse himself from presiding over Mr. Randle's sentencing hearing.
21. Judge Binkley agreed to recuse himself and Mr. Randle's case was reassigned to the presiding judge who then set the sentencing hearing for Mr. Randle on November 17, 2017 before the Hon. Judge James Martin.

SENTENCING HEARING – NOVEMBER 17, 2017

22. At the November 17, 2017 sentencing hearing, Mr. Teets represented Mr. Randle and Assistant District Attorney General Carlin Hess appeared for the State of Tennessee.
23. At the time of the sentencing hearing, Mr. Teets had only practiced law in Tennessee for six months as an assistant district attorney, where he only appeared in General Sessions Courts, and for 11 months as a solo practitioner.
24. James G. Martin, Circuit Court Judge, presided over the sentencing hearing.
25. Mr. Randle's November 2017 sentencing hearing was the first sentencing hearing in which Mr. Teets represented a party and the first time that he appeared before Judge Martin.
26. The sentencing hearing lasted for approximately three hours and, at its conclusion, Judge Martin announced that Mr. Randle would be given a sentence for two years probation on Count 1 and three years probation on Count 2, but that he would have to serve a six month period of incarceration.

27. Mr. Randle and his mother were extremely happy with the judge's decision; they had feared that Mr. Randle would face years of incarceration.
28. Given Mr. Randle's position of being a provider for his mother and two children, Mr. Randle and Mr. Randle's mother both asked Mr. Teets if it was possible for Mr. Randle to be given 30 days to report to serve his jail sentence.
29. Mr. Teets testified that he did not know whether a defendant could appear later to report for sentencing, so Mr. Teets discussed the issue with Assistant District Attorney Hess.
30. Mr. Teets testified that Mr. Hess said that he had no problem with Mr. Randle reporting in 30 days but that Mr. Teets would have to make the request to the Court and that the bonding company would have to agree to stay on the bond.
31. Mr. Teets then asked the Court if Mr. Randle could have 30 days to report for his sentence. Judge Martin asked Gen. Hess what the State's position was on the matter; Gen. Hess said he deferred to the Court.
32. During the hearing, Mr. Teets stated to Judge Martin: "Your Honor, the General and I previously spoken and I don't believe the State has opposition to this if Mr. Randle could be given 30 days to report just to get his affairs with his daughter and everybody else".
33. The Panel finds that in making this statement, Mr. Teets was requesting that his client be given an additional 30 days to begin serving his sentence.
34. Mr. Teets further stated to the court: "Your Honor, I've spoken with the

bonding company. He's willing to stay on the bond as well."

35. The Panel finds that in making this statement, Mr. Teets was stating that he had specifically spoken to the bonding company about staying on the bond an additional 30 days, and that the bonding company had expressed a willingness to do so. As discussed herein, this was not a true statement.
36. Mr. Teets testified that this statement meant that he had previously spoken to the bonding company and that it had previously (months before) been willing to stay on the bond. The plain meaning of the words spoken, as well as their context, bely this contention.
37. Mr. Teets testified that, when he realized the Court interpreted his statement to mean that he had just that same day spoken with the bonding company that Mr. Teets tried, later in the hearing, to clarify and explain his remarks by explaining to the Court that the bonding company had previously (months before) agreed to stay on the bond. As evidenced by the transcript of the hearing, there is no evidence that the initial misstatement to the Court was retracted or explained to the court.
38. Mr. Teets did not retract the false statement to the Court, and the subsequent, allegedly explanatory statements further mislead the Court about Mr Teets communications with the bonding company.
39. The Panel finds that, at the time of commencement of the sentencing hearing, Mr. Teets had not spoken with the bonding company about staying on the bond an additional 30 days; Mr. Teets' testimony that this statement was referring to previous discussions with the bonding company in

February, ten (10) months earlier, about issuing the new bond on the second charge, is not credible.

40. In response to Mr. Teets' request for his client to report in 30 days and his statement that the bonding company was willing to stay on the bond, Judge Martin instructed Mr. Teets to have the bonding company, Free At Last, fax confirmation to the court of its willingness to stay on the bond for the additional 30 days.
41. The court allowed Mr. Teets to step outside and contact Free At Last and request the confirmation to be sent.
42. Mr. Teets contacted Free At Last and spoke with bonding agent Keeley Benoit, as Ms. Norris was away on vacation.
43. Mr. Teets testified that he did not know who Ms. Benoit was, and did not know her position with Free At Last.
44. Ms. Benoit advised Mr. Teets in that initial phone call that she was not the one handling Mr. Randle's bond, and that Ms. Norris was out of the office, but that she would contact Ms. Norris with the request to stay on the bond.
45. Ms. Benoit testified that she called Ms. Norris, but Ms. Norris did not initially answer the phone call.
46. Ms. Benoit then reached out to Greg Sanford, one of two co-owners of Free At Last, and spoke with him.
47. Ms. Benoit testified that Mr. Sanford specifically advised her that he was not willing to stay on the bond, as the case had gone on for too long and that his policy was not to stay on bonds once a defendant appears for sentencing.
48. Immediately after speaking with Mr. Sanford, Ms. Benoit received a return call

from Ms. Norris, who confirmed that she was not willing to stay on the bond or override Mr. Sanford's decision.

49. Ms. Benoit had a subsequent phone call with Mr. Teets, and explained to Mr. Teets that the owner of the company was unwilling to remain on the bond, and that Ms. Norris confirmed that decision.

50. Mr. Randle's mother also made calls to Free At Last, and was likewise informed that Free At Last was not willing to stay on the bond, and that the decision was final.

51. Mr. Teets sent a Facebook message to Mr. Sanford, imploring him to agree to stay on the bond.

52. Mr. Sanford did not reply to that Facebook message.

53. After speaking with Ms. Benoit in the subsequent phone call, Mr. Teets returned to court to conclude the sentencing hearing.

54. During the hearing, Judge Martin asked Mr. Teets if the bonding company had responded to his request.

55. In reply, Mr. Teets stated:

Your Honor, his actual bonding agent who -- no one will over -- no one that I spoken with just presently will override any decision of hers. She's not able to make the decision because no one can reach her. She's on vacation and will be back Monday. That's what the office is -- office is telling us. So I called about -- Mr. Randle as you -- well, actually, it was before another judge, but Mr. Randle was indicted for count two after the grand jury came back, so when he was arrested and went to court -- to the grand jury, he had only one criminal charge, came back with a second count when he was arraigned so he got re-indicted on a new charge and the bonding company stayed on the bond then, they stayed on it prior. We just can't get in touch with the actual agent who issued the bond.

56. Judge Martin then asked Mr. Teets if he had spoken to the owner.

57. In reply, Mr. Teets stated: "I tried to reach out to Greg who owns Free At Last. I

tried calling him directly on his cell and I've tried messaging him on Facebook. I've tried everything I know to do to try to get in touch with him."

58. Because of Mr. Teets' representations, Judge Martin stated: "By statute, that bonding company at this moment is no longer on the bond... So if I release Mr. Randle, I have no bonding company to insure his return, none, and I have not in the past been willing to do that. But this is the very first time I have to say that I've had a bonding company that was unable -- that you couldn't get in touch with them."
59. In response, Mr. Teets stated: "They deferred us to the agent who issued the bond that we've -- the client's mother has called. I called and we cannot get in touch with her until Monday so I don't..."
60. As a result of Mr. Teets' representations, ADA Hess was willing to defer sentencing for an additional 30 days, and Judge Martin reset the hearing for December 18, 2017. To accomplish this, Judge Martin voided the papers effecting the sentencing, to allow the completion of the hearing on December 18, 2017.
61. Because the sentencing was deferred for 30 days, Mr. Randle was released.
62. Because the sentencing was deferred for 30 days, Free At Last remained obligated on the bonds it had issued.
63. The Board alleges that Mr. Teets' statements are in violation of the rules of professional conduct to the extent that the statements made by Mr. Teets to the Court that he had been unable to get in touch with the bonding agent, Ms. Christina Norris, who issued the bond and that he had been unable to get in touch with the owner of the bonding company, Mr. Greg Sanford, are false and misleading.

64. When Ms. Norris returned to the office the following week and learned that the sentencing had been deferred for 30 days, she contacted the court clerk and advised that Ms. Benoit had explicitly told Mr. Teets that Free At Last was not willing to remain on the bond. In addition, Ms. Norris sent an email to the court clerk verifying the same.
65. The Panel finds that each of the witnesses called by the Board testified in a manner that confirm the statements by Mr. Teets to the Court were in fact not truthful statements – although Mr. Teets was not able to get in touch with or speak directly to Ms. Norris or Mr. Sanford, he was specifically advised of their decisions and their refusal for Free At Last to stay on the bond.
66. The Panel finds that Mr. Teets was thorough in his efforts to get in touch with Ms. Norris as he called both her cell phone where he had previously spoken to her and her office number.
67. The Panel finds that Mr. Teets was thorough in trying to speak to Mr. Sanford as he not only called Mr. Sanford's cell phone using Facebook messenger, he also sent Mr. Sanford a Facebook message.
68. Mr. Teets asserts that his professional responsibility and duties of loyalty to his client required him to do his due diligence in speaking with someone whom he knew had the authority to make a decision to stay on the bond for his client, which would be either the agent who issued the bond or the owner of the bonding company; impliedly, Mr. Teets asserts that he was not required to accept Mr. Benoit's recitation of the decisions by Mr. Sanford

and Ms. Norris .

69. Mr. Teets asserts that the practice of requiring defense attorneys to become responsible for contacting the bonding company puts the attorney in a situation of ethical conflict because the attorney owes a duty of loyalty to his client and the words of one's attorney should not be the words that determine whether a criminal defendant leaves in handcuffs with the sheriff or leaves a free man with his family.
70. Mr. Teets testified that he asked two senior attorneys what to do when he was unable to speak with the bonding agent or bonding company owner and someone answering the phone was telling him that the case with his client had gone on for too long and they weren't staying on the bond.
71. The Panel finds Mr. Teets' testimony to be credible when he testifies that a person who he did not know told him the bonding company was not staying on the bond because the case had been going on for too long.
72. Mr. Teets asserts that the length of time a case takes to conclude is not legal grounds for which a bonding company can decide to no longer stay on a bond and that Mr. Teets was zealously advocating on behalf of his client by trying to get in touch with the bonding agent and/or the bonding company owner.
73. Mr. Teets testified that he learned of the idea to ask the Court to reset the sentencing date arose from the advice of two senior attorneys in the court room that day after he described to the attorneys the situation he was facing concerning not being able to reach the owner or agent of the bonding

company; Mr. Teets did not testify whether he included a recital that a representative of the bonding company had stated that the owner and agent had decided not to stay on the bond.

74. Mr. Teets testified that he told Gen. Hess what was occurring and that Gen. Hess agreed if the sentencing hearing date was reset that it would satisfy both the interests of Mr. Randle in wanting 30 days to get his affairs in order *and* for the Court, in that the bonding company would remain on the bond until the continued sentencing hearing date; Mr. Teets did not testify that he advised Gen. Hess of the dialogue with Ms. Benoit.
75. The Panel further finds that this was not an *ex-parte* proceeding.
76. Mr. Randle appeared for his sentencing on December 18, 2017.
77. On February 2, 2018, Judge Martin sent a complaint letter to the Board of Professional Responsibility, raising his concern that Mr. Teets made a material misrepresentation at the sentencing hearing on November 17, 2017.
78. Judge Martin testified in the Hearing in this matter that he continues to believe Mr. Teets made material misrepresentations: 1) that he had spoken with the bonding company about staying on the bond for an additional 30 days; 2) that it was willing to stay on the bond for that additional time; and 3) after requesting that it send confirmation to the court of that willingness, that he could not reach anyone to give him the answer to the request or send confirmation.
79. Judge Martin further testified that if he had known that Ms. Benoit told Mr. Teets the bonding company was unwilling to stay on the bond, he would not have agreed to defer the sentencing, and would have taken Mr. Randle into custody on that day

to begin his sentence.

80. Mr. Sanford testified that when he spoke with Ms. Benoit by telephone on the afternoon of November 17, 2017, he made clear to her that he was not willing to stay on the bond.
81. Ms. Norris testified that when she spoke to Ms. Benoit by telephone on the afternoon of November 17, 2017, she made clear to Ms. Benoit that she agreed with Mr. Sanford about not staying on the bond, and that as Mr. Sanford was the owner of the company, it was his decision and she could not override it.
82. Ms. Benoit testified that when she spoke with Mr. Teets in her subsequent phone call, she made clear to him that she had spoken with Mr. Sanford and Ms. Norris, and that they were not willing to stay on the bond.
83. During the Board's investigation, Mr. Teets wrote a letter in which he admitted that during his subsequent phone call with Ms. Benoit, he was told, among other things: "3. That [Ms. Benoit] had spoken with Greg and Greg told her the case had been going on for entirely too long and that Greg was tired of the case and didn't want to stay on the bond."
84. The Panel finds that Ms. Benoit told Mr. Teets that the owner of Free At Last, Greg Sanford, was unwilling to stay on the bond. Mr. Teets admitted the same in his letter to the Board.
85. Nonetheless, at no point during the hearing on November 17, 2017 did Mr. Teets advise Judge Martin that he had been informed that the owner of the bonding company was unwilling to stay on the bond.

The Panel finds that Mr. Teets has been advised by an agent of Free At Last that its

owner had refused to stay on the bond.

CONCLUSIONS OF LAW

1. 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.

2. 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.

3. 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 ("RPC") 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.

4. The Board has proved by a preponderance of the evidence that Mr. Teets violated RPC 3.3(a) and 8.4(a), (c) and (d).

RPC 3.3(a)

5. Regarding RPC 3.3(a), attorneys are prohibited from making false statements of fact or law to a tribunal, and are obligated to inform the tribunal of all material facts known to the lawyer in order to enable the tribunal to make an informed decision.

6. The Board has proven that Mr. Teets violated RPC 3.3(a) by falsely telling the Court that he had "spoken with the bonding company. He's willing to stay on the bond as well." In fact, Mr. Teets had not spoken with the bonding company about staying on the bond an

additional thirty (30) days. Mr. Teets claimed during his testimony that in making this statement, he was referring to his previous conversations with Ms. Norris in February (ten months prior) about issuing the second bond.

7. The panel concludes that Mr. Teets' explanation of this statement to the court on November 17, 2017 is not credible. As the transcript of the sentencing hearing demonstrates, Mr. Teets was specifically asking the court to delay sentencing for thirty days to give his client time to handle his personal affairs. While making that request, Mr. Teets falsely stated that he had spoken with the bonding company and that they were willing to stay on the bond. However, Mr. Teets had not spoken to the bonding company – by his own admission – since February 2017, ten months prior, and that his previous discussion with the bonding company only involved the issuance of a second bond because of an additional charge. The panel concludes that Mr. Teets had not asked the bonding company to stay on the bond an additional thirty days, and his statement otherwise was a misrepresentation intended to convince the court that he had.

8. The Board has proven that Mr. Teets violated RPC 3.3(a) by falsely telling the court that no one could reach the bonding agent and that he could not get a response from the owner. On the contrary, the panel finds that Ms. Benoit had specifically advised Mr. Teets that the owner was not willing to stay on the bond. Ms. Benoit testified to this conversation, and stated that she made this clear to Mr. Teets. Mr. Teets admitted in his letter to the Board that Ms. Benoit had provided him this information. In his letter to the Board, Mr. Teets attempted to explain this away by stating that it was said "in the context of the case taking entirely too long. This seemed to not at all be responsive to the issue at hand, which is why I needed to speak with Greg."

9. The panel finds the testimony from Ms. Benoit and Mr. Sanford to be more credible than that of Mr. Teets. Ms. Benoit testified that she made the decision not to stay on the bond clear to Mr. Teets. Mr. Teets understood that, as he admitted in his letter to the Board.

10. While Mr. Teets may have wanted to hear this directly from the owner, the panel concludes that he had a duty to inform the court that the owner was unwilling to stay on the bond at the sentencing hearing but failed to do so. Moreover, Judge Martin testified that had he been informed of this, he would not have released Mr. Randle. The panel concludes that this information was material, and that Mr. Teets' intentional failure to inform the court appropriately constituted a material misrepresentation in violation of RPC 3.3(a).

RPC 8.4(a), (c) and (d)

11. RPC 8.4(a), (c) and (d) prohibit a lawyer from engaging in conduct involving dishonesty, fraud, deceit or misrepresentation, and from engaging in conduct that is prejudicial to the administration of justice.

12. By engaging in the aforementioned conduct, Mr. Teets also violated RPC 8.4(a), (c) and (d). Mr. Teets engaged in dishonesty by making a material misrepresentation to the court when he falsely stated that he had spoken to the bonding company and that the bonding company was willing to stay on the bond. Mr. Teets further engaged in dishonesty by making a material misrepresentation in failing to disclose to the court that he has been informed that the bonding company was unwilling to stay on the bond. Mr. Teets admitted in his letter to the Board that Ms. Benoit told him the owner was not willing to stay on the bond. Yet he failed to provide the court this information, even when the court specifically asked him if he had contacted the owner.

APPLICATION OF THE ABA STANDARDS

13. Once disciplinary violations have been established, the Panel is to consider the applicable provisions of ABA Standards for Imposing Lawyer Sanctions.

14. Prior to consideration of any aggravating or mitigating circumstances, the following ABA Standards apply to this case:

- 6.11 Disbarment is generally appropriate when a lawyer, with the intent to deceive the court, makes a false statement, submits a false document, or improperly withholds material information, and causes serious or potentially serious injury to a party, or causes a significant or potentially significant adverse effect on the legal proceeding.
- 6.12 Suspension is generally appropriate when a lawyer knows that false statements or documents are being submitted to the court or that material information is improperly being withheld, and takes no remedial action, and causes injury or potential injury to a party to the legal proceeding, or causes an adverse or potentially adverse effect on the legal proceeding.
- 6.13 Reprimand is generally appropriate when a lawyer is negligent either in determining whether statements or documents are false or in taking remedial action when material information is being withheld, and causes injury or potential injury to a party to the legal proceeding, or causes an adverse or potentially adverse effect on the legal proceeding.

15. The panel finds that the presumptive baseline sanction in this matter is a suspension under 6.12. Mr. Teets intentionally made misrepresentations to the court and intentionally withheld material information from the court. When the court specifically asked him about the owner, Mr. Teets failed to take any remedial action to correct his misrepresentations or to provide the appropriate material information.

16. Mr. Teets knew that he had not spoken with the bonding company since February 2017, and had never discussed with them the possibility of staying on the bond for an additional thirty (30) days after November 17, 2017. Nonetheless, he misrepresented to the court that he had spoken with them and that they were willing to stay on the bond. His explanation that they

had been willing to “stay on” the bond in February even with the additional charge is not credible. The bonding company did not “stay on” the bond in February. Instead, they issued a wholly separate bond for which it received additional compensation. Mr. Teets attempted to, and did, deceive the court in order to provide his client additional time to take care of his personal affairs. Whether or not Mr. Teets’ client was in need of that additional time, Mr. Teets’ obligation to the court was one of full candor. He intentionally misrepresented that he had spoken with the bonding company about staying on the bond.

17. In addition, Mr. Teets intentionally misrepresented the nature of his conversations with Ms. Benoit to the court. Mr. Teets admitted in his letter to the Board that Ms. Benoit told him the owner of the bonding company was not willing to stay on the bond. While he may have wanted to hear this directly from the owner (or from Ms. Norris), there is no question that he was directly provided the answer to his request. He did not like the answer, and desperately tried to contact the owner. Nonetheless, when he returned to court, he had a continuing duty of candor. The court asked him directly: “what about the owner?” Mr. Teets had a duty at that point to inform the court that the owner, through Ms. Benoit, had communicated his unwillingness to stay on the bond. Instead of fulfilling that duty, Mr. Teets misrepresented that no one could reach the owner. The panel finds this to be an intentional misrepresentation.

18. Lying to the court is a serious matter. “Such conduct strikes at the very heart and soul of the judicial system and without question would have a detrimental impact on the integrity and standing of the bar, the administration of justice and the public interest.” *Murphy v. Bd. of Prof’l Resp.*, 924 S.W.2d 643, 647 (Tenn. 1996). Lawyers have a “fundamental obligation... to be truthful and honest officers of the court.” *Bd. of Prof’l Resp. v. Justice*, 577 S.W.3d 908, 932 (Tenn. 2019).

19. Mr. Teets argued that Mr. Randle in fact appeared for his sentencing on December 18, 2017, such that no harm was done to the administration of justice. However, at the time of the hearing on November 17, 2017, Mr. Teets had no way to know if Mr. Randle would do so. Even had he known with absolute certainty that Mr. Randle would appear, he nonetheless had a "fundamental obligation" to be a truthful and honest officer of the court. Mr. Teets did not meet that obligation.

20. Furthermore, the panel notes that ABA Standard 6.12 calls for a suspension when a lawyer's misrepresentation "causes an adverse or *potentially* adverse effect on the legal proceeding" (emphasis added). Even though Mr. Randle appeared for his sentencing, the panel finds that Mr. Teets' misrepresentations caused a *potentially* adverse effect on the legal proceeding. It should also be noted that his misrepresentations impacted Free At Last, which had specifically informed Mr. Teets that it was not willing to stay on the bond. Mr. Teets' misrepresentations to the court meant that Free At Last remained obligated on the bond, against its express unwillingness to continue thereon. A criminal sentencing hearing is a serious matter. Whether a defendant is released upon a misstatement of facts is a serious matter.

AGGRAVATING AND MITIGATING FACTORS

21. Pursuant to ABA Standard 9.22, the Panel finds the following aggravating factors:

- (a) Prior disciplinary offenses: At the time of the hearing, Mr. Teets was on suspension in a separate matter. Mr. Teets argued that prior discipline could not be considered, as it was not pled in the petition. However, the petition for discipline in this matter was filed on February 15, 2019. The order of suspension by the Supreme Court in the separate matter was not issued until June 10, 2020, such that it could not have been included in the

petition filed in February of 2019. Moreover, Mr. Teets testified on direct examination about his prior suspension. As a result, he put this information before the panel, and the panel may certainly consider the same. Finally, "[i]n determining the applicable period of suspension, a hearing panel may also consider any aggravating or mitigating factors that would justify an increase or reduction in the discipline imposed." *Lockett v. Bd. of Prof'l Resp.*, 380 S.W.3d 19, 27 (Tenn. 2012). Mr. Teets has not directed the Hearing Panel to any case in which the Supreme Court has required specific aggravating factors to be identified in the petition in order to be considered by the panel, and the panel has found none.

- (b) Dishonest or selfish motive: Mr. Teets was dishonest in his statement that he had spoken with the bonding company and that "he was willing to stay on the bond." That was not the case. Mr. Teets was also dishonest in failing to inform the court that he had been specifically advised that the owner of the company was not willing to stay on the bond. While Mr. Teets has attempted to explain this away by pointing to the needs of his client to take care of his personal affairs, such concern does not excuse his lack of candor toward the court.
- (g) Refusal to acknowledge wrongful nature of conduct: Mr. Teets has yet to demonstrate any recognition of the inappropriateness of his conduct. Instead, he testified that the reasons the bonding company provided him for not staying on the bond did not make sense to him, and that he needed to speak with the owner directly. Whether or not Mr. Teets agreed with or

even understood the bonding company's reasons for refusing to stay on the bond, the bonding company was not obligated to do so, and Mr. Teets admitted being told by Ms. Benoit that they were not willing to extend the bond. It was not for Mr. Teets to decide whether such reasons were reasonable or appropriate. Nor did that excuse Mr. Teets from meeting his obligations to fully inform the court of the same.

- (i) Experience: Mr. Teets has substantial experience in the practice of law having been licensed in Tennessee to practice law since 2011; he was initially licensed in Iowa in 2009. The panel notes that a licensed attorney need not have substantial experience to appreciate the duty of candor to a court.

22. No mitigating factors were presented in this case.

23. Based upon the evidence and admissions in this matter, the Panel finds that a suspension is the appropriate discipline, with a requirement of additional ethics and professionalism legal education.

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. Teets committed disciplinary misconduct and should receive a one year active suspension from the practice of law pursuant to Tenn. Sup. Ct. R. 9, § 12.2. Moreover, before resuming the practice of law, Mr. Teets shall attend twelve (12) hours of continuing legal education concerning ethics or professionalism; this requirement is in addition to any continuing legal education requirements for licensure in the State of Tennessee.

IT IS SO ORDERED.

William R. O'Bryan, Jr.
William R. O'Bryan, Jr., Panel Chair

Robert Bigelow by uko with permission
Robert Bigelow Panel Member


Keene Bartley by uko with permission
Keene Bartley, Panel Member

NOTICE TO RESPONDENT

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.

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, Jonathon Fagan, 1350 Rosa Parks Blvd., Suite 211, Nashville, TN 372087, via U.S. First Class Mail, and hand-delivered to Jerry Morgan, Disciplinary Counsel, on this the 10th day of August, 2020.

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.