

**IN THE CIRCUIT COURT OF DAVIDSON COUNTY, TENNESSEE  
AT NASHVILLE**

**KEVIN WILLIAM TEETS,** )

**Plaintiff,** )

**vs.** )

**No. 20C2184**

**BOARD OF PROFESSIONAL )  
RESPONSIBILITY OF THE )  
SUPREME COURT OF TENNESSEE,** )

**Defendant.** )

**MEMORANDUM AND ORDER**

This cause came on to be heard on the 22<sup>nd</sup> day of April 2021 before Robert E. Lee Davies, Senior Judge, upon the petition for review filed by Attorney Kevin William Teets, Jr. The Court has received a copy of the transcript from the trial before the Hearing Panel, the official record with exhibits, and the briefs filed by each party. After argument of counsel, the Court makes the following findings of fact and conclusions of law:

**Procedural History**

On February 15, 2019, a petition for discipline was filed which Mr. Teets answered on April 25, 2019. The hearing on the petition took place on June 18, 2020. The Panel heard testimony of witnesses, including Mr. Teets. By order entered June 22, 2020, the Panel allowed each party to file proposed findings of fact and conclusions of law. Mr. Teets' motion to dismiss, which was made at the conclusion of the hearing, was taken under advisement. The Panel then issued its written findings of fact and conclusions of law on August 10, 2020. Based upon its findings of fact and conclusions of law, in conjunction with the ABA Standards for imposing

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lawyer sanctions, the Panel decided that the appropriate final discipline in this case was to suspend Mr. Teets' license to practice law for a period of one-year active suspension, with the additional condition that before resuming the practice of law Mr. Teets attend twelve hours of continuing legal education concerning ethics or professionalism.

Mr. Teets now appeals to this Court.

### **Proof Before the Panel**

Kevin William Teets graduated from Drake University Law School in 2009. In 2010, Mr. Teets returned to Tennessee and began working as the campaign manager for a candidate for the Tennessee State Senate in Jackson, Tennessee. In 2011, Mr. Teets passed the Tennessee Bar; however, he continued to be employed as a political advisor and in 2013 he began working as the executive director of the Tennessee Democratic Party. In 2014, Mr. Teets managed a campaign for Glen Funk who was elected District Attorney General for Davidson County, who then hired Mr. Teets as an assistant district attorney. Approximately six months later, Mr. Teets left the district attorney's office to manage the Nashville mayoral campaign for Bill Freeman. In January 2016, Mr. Teets returned to the practice of law as a solo practitioner.

In August 2016, Mr. Teets was retained to represent Demetrius Randle, who had been arrested for aggravated assault in Williamson County. Mr. Randle executed a bond in the amount of \$25,000 with Free At Last Bonding Company on the aggravated assault charge. His bonding agent was Christina Norris. Mr. Randle's case was bound over to the Williamson County Grand Jury, and in February 2017, he was arraigned in the Williamson County Circuit Court on the charge of aggravated assault and an additional charge of violation of the Tennessee Adult Protection Act. As a result of the additional charge, Mr. Randle was taken into custody. Mr. Teets contacted the

bonding agent, Christina Norris to ascertain if Free At Last would continue to remain on the current bond and whether it was willing to post an additional bond for Mr. Randle on the new charge. Ms. Norris communicated to Mr. Teets that the bonding company would agree to remain as surety on the bond for the original charge of aggravated assault and to post a new bond for the new charge of violating the Adult Protection Act. This was accomplished by Mr. Randle executing a second bond in the amount of \$15,000 with Free At Last with Ms. Norris acting as the bonding agent.

In May 2017, Mr. Randle entered into a plea agreement on both charges; however, it was an open plea with the judge to determine the sentence. Judge Michael Binkley approved the plea agreement; however, prior to the sentencing hearing Judge Binkley recused himself, and the case was reassigned to Judge James Martin.

The sentencing hearing in front of Judge Martin took place on November 17, 2017. Mr. Randle had pled guilty to aggravated assault (a Class C Felony) and violation of the Tennessee Adult Protection Act, (a Class D Felony). Mr. Teets was present, representing Mr. Randle, and Assistant District Attorney General Carlin Hess appeared for the State. This was Mr. Teets' first sentencing hearing and was also the first time that he had appeared before Judge Martin in any capacity.

At the conclusion of the sentencing hearing, Judge Martin ruled that Mr. Randle would be sentenced to two-years' probation on Count 1 and three-years' probation on Count 2; however, he was sentenced to serve six months in the Williamson County Jail. This was viewed as a good outcome for Mr. Randle, who feared that he would be sentenced to several years of incarceration.

Apparently, Mr. Teets was unaware of the practice in Williamson County with regard to Defendant's bond once he had been sentenced. Mr. Randle wanted an additional thirty days before he was required to report to the jail. Mr. Teets first broached the issue with General Hess to see

whether the State would agree. Mr. Teets testified that General Hess said the State would not object to the additional thirty days; however, he would have to request the Court and the bonding company would have to agree to remain on the bond. The following dialogue then took place between the Court, Mr. Teets and General Hess:

Mr. Teets: 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 thirty days to report just to get his affairs with his daughter and everybody else.

The Court: Mr. Hess?

General Hess: I'll defer to the Court on that, your Honor.

Mr. Teets: Your Honor, I've spoken with the bonding company. He's willing to stay on the bond as well.

The Court: Well, that's – as long as the bonding company is willing to stay on the bond. They will have to fax something into us today and let us know that they're willing to stay on the bond, but if they're willing to stay on the bond to allow – him to report, what would thirty days from now be?...

The Court: So, I'd say Monday the 18<sup>th</sup>.

Mr. Teets: Monday the 18<sup>th</sup>, okay.

The Court: And then who is the bonding company?

The Clerk: Free At Last.

The Court: Okay. Then you'll need to get them to fax something into us right now to confirm that they'll stay on the bond, and he'll report then here at what time?

The Clerk: Yes sir, before 3.

The Court: So be across the hall at the Clerk's office about 3.

Mr. Teets: Your Honor, I'll get this form filled out and fax – have them fax back to us and bring it to your Honor as soon as I have it finished.

The Court: Alright. And Mr. Randle, if you'll have a seat over here until we get that back from the bonding company. That's what we'll need to do.

(Exhibit 1 - Transcript from Hearing Nov. 17, 2017).

Mr. Teets then made the first of two phone calls to Free At Last Bonding Company. The first call was made at 3:09 p.m. Keeley Benoit took Mr. Teets' call. Ms. Benoit has worked at Free At Last for ten years and is the office manager and lead agent for the Rutherford County office. Ms. Benoit explained that Christina Norris, the Williamson County agent was on vacation and that Ms. Benoit was handling the Williamson County office and any court responsibilities. Ms. Benoit

informed Mr. Teets that his request for an additional thirty days was not a decision that she was comfortable making, but that she would try to contact Ms. Norris and let him know. Initially, Ms. Benoit was unable to contact Ms. Norris; however, she did contact the owner of Free At Last, Greg Sanford. Mr. Sanford told Ms. Benoit that he would not agree to remain on the bond and for her to convey his response to Mr. Teets.

Ms. Benoit had a second phone call with Mr. Teets at 3:22 p.m. She told Mr. Teets that she had not yet spoken to Christina Norris, but that she had talked to the owner, Greg Sanford. She told Mr. Teets that Mr. Sanford would not agree to stay on the bond because Mr. Randle had been out on bond for such a long time. Ms. Benoit testified that the conversation then became “heated”. Mr. Teets demanded to talk to Greg Sanford whom Ms. Benoit was communicating with at the same time by text message. Mr. Sanford again confirmed that his decision was “no”, which Ms. Benoit conveyed to Mr. Teets. Ms. Benoit testified that Mr. Teets then threatened to harm their business and “dropped” the name of Glen Funk to back up his threat.<sup>1</sup>

Mr. Teets returned to court without the written confirmation required by Judge Martin and at 3:57 p.m. the following dialogue took place:

The Court: On Mr. Randle. Counsel, I understand that the bonding company is – you can’t get anybody from the bonding company to respond?

Mr. Teets: Your Honor, his actual bonding agent who – no one will over – no one that I’ve 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 telling us. So I called about Mr. Randle as you – well, actually, it was before another judge, but Mr. Randle was indicted for Count 2 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

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<sup>1</sup> Ms. Benoit also received phone calls from Mr. Randle’s mother who was also told that the bond company would not agree to remain on the bond. Apparently, Mr. Randle’s mother would not take no for an answer and continued to call Ms. Benoit to the point that Ms. Benoit stopped answering the phone.

the bond then, they stayed on it prior. We just can't get in touch with the actual agent who issued the bond.

The Court: What about the owner?

Mr. Teets: 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.

The Court: Well, here is the problem I've got. By statute, that bonding company at this moment is no longer on the bond. You would agree with that, wouldn't you Mr. Teets?

Mr. Teets: I agree with law –

The Court: So, if I release Mr. Randle, I have no bonding company to ensure 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. I mean this is really unusual.

Mr. Teets: 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 –

The Court: Have you talked to Mr. Hess?

Mr. Teets: No, your Honor, I haven't.

The Court: Well, talk to Mr. Hess, and if you all can come up with a remedy, I'll be happy to consider it but, otherwise, I don't – I don't feel that I have the authority to release your client without a bond.

Mr. Teets: Okay.  
(Exhibit 2 -Transcript of hearing Nov. 17, 2017).

As a result of Mr. Teets' representations to Judge Martin, Judge Martin voided the original judgments, reset the case for December 18, 2017, and allowed Mr. Randle to be released. All of this was done without the knowledge and consent of Free At Last Bonding Company.

At some point later that same day, Christina Norris did contact Ms. Benoit. Ms. Norris also confirmed she would not agree to extend the bond. Ms. Norris then contacted the Clerk's

office on November 17 and discovered that the judgment on the sentencing hearing was not entered and that the bond was still in place. She informed the deputy clerk that Free At Last would not agree to stay on the bond, and on November 22, Ms. Norris sent an email to the Clerk's office confirming that Free At Last was unwilling to stay on Mr. Randle's bond. Ms. Norris concluded the email with "please let me know how we can proceed as we don't want to wait until December 18 to see if Mr. Randle shows up to surrender himself." (Exhibit 7).

### **The Hearing Panel**

The Hearing Panel issued a very detailed order in which it set forth eighty-five separate findings of fact. It found that when Mr. Teets requested an additional thirty days to begin serving his sentence and then stated to the court "Your Honor, I've spoken with the bonding company, he's willing to stay on the bond as well.", Mr. Teets was stating that he had specifically spoken to the bonding company about staying on the bond for an additional thirty days, and that the bonding company had expressed a willingness to do so. The Panel concluded this was not a true statement. The Panel considered Mr. Teets' explanation that by this statement, he was referring to a conversation he had with the bonding company months before when Mr. Randle was being arraigned. The Panel found this explanation not credible.

With regard to Mr. Teets' second dialogue with the court, the Panel found that Mr. Teets' further attempts to clarify and explain his remarks regarding the bonding company was not a sufficient retraction or explanation to correct his initial misrepresentation to the court. Instead, the Panel found that Mr. Teets' subsequent statements further misled the court regarding his communications with the bonding company.

The Panel found that at the beginning of the sentencing hearing, Mr. Teets had not spoken with anyone with the bonding company about staying on the bond an additional thirty days.

Acting on Mr. Teets' representation, Judge Martin requested Mr. Teets to have Free At Last confirm in writing its willingness to stay on the bond for the additional thirty days. Mr. Teets did call Free At Last; however, Christina Norris (the agent on Mr. Randle's bond) was on vacation, and the acting agent in charge, Keeley Benoit was unable to provide him with an answer. However, Ms. Benoit told Mr. Teets she would contact Ms. Norris regarding the request to stay on the bond. Ms. Benoit was able to speak with Ms. Norris and the owner of the company, Greg Sanford. Both of them told Ms. Benoit that the company was not willing to stay on the bond, as the case had gone on for too long and that their policy was not to stay on bonds once a defendant appeared for sentencing.

Ms. Benoit then had a subsequent call with Mr. Teets and explained to him that the owner of the company was unwilling to remain on the bond. This information was also conveyed to Mr. Randle's mother, and that the decision was final. Mr. Teets returned to court where Judge Martin asked if he had spoken to the owner. Mr. Teets replied that he had tried to reach Mr. Sanford every way possible but was unable to get in touch with him.

The Panel found that each of the witnesses called by the Board (Judge Martin, Keeley Benoit, Christina Norris, and Greg Sanford) confirmed that the statements by Mr. Teets to the court were not truthful because Mr. Teets was specifically advised by Ms. Benoit that both Ms. Norris<sup>2</sup> and Mr. Sanford refused to stay on the bond.

The Panel credited Mr. Teets' testimony that he asked two senior attorneys what to do once he was unable to speak to the bonding agent or bonding company owner and that he learned of the

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<sup>2</sup> Although Ms. Norris returned Ms. Benoit's call and confirmed her refusal, the record does not reflect this call took place prior to the second call between Mr. Teets and Ms. Benoit.



idea to ask the court to reset the sentencing date from the advice of those two senior attorneys in the courtroom that day. However, Mr. Teets did not testify whether he informed those two attorneys that he had been told by a representative of the bonding company that both the owner and agent had decided not to stay on the bond.

The Panel concluded that Mr. Teets had a duty to inform the court that he had been told that the owner was unwilling to stay on the bond at the sentencing hearing, but that he failed to do so. Likewise, the Panel found Mr. Teets failed to testify that he advised Assistant District Attorney Hess of his dialogue with Ms. Benoit.

The Panel accepted Judge Martin's testimony that if he had known that Ms. Benoit had told Mr. Teets the bonding company was unwilling to stay on the bond, Judge Martin would not have agreed to defer the sentencing and would have taken Mr. Randle into custody on that day. The Panel found Judge Martin was misled by Mr. Teets because of the following misrepresentations:

- That he had spoken with the bonding company about staying on the bond for an additional thirty days;
- That it was willing to stay on the bond for that additional time;
- After requesting that the bonding company send confirmation to the court of their willingness, that Mr. Teets could not reach anyone to give him the answer to the request or send confirmation.

The Panel concluded that 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 Hearing Panel concluded that Mr. Teets violated R.P.C. 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”; when in fact, Mr. Teets had not spoken with the bonding company about staying on the bond an additional thirty days. The Panel found that Mr. Teets violated R.P.C. 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; when in fact, Ms. Benoit had specifically told him that she had talked to the owner and that he was not willing to stay on the bond. The Panel also concluded that Mr. Teets violated R.P.C. 8.4(a), (c) and (d) by engaging in conduct involving dishonesty, fraud, deceit, or misrepresentation and conduct which was prejudicial to the administration of justice.

After finding these violations, the Hearing Panel looked to the ABA Standards to determine the appropriate type of discipline. The Panel considered Standard 6.11 (Disbarment), 6.12 (Suspension), and 6.13 (Reprimand), and determined that the baseline sanction for Mr. Teets’ conduct was suspension under 6.12.<sup>3</sup> The Hearing Panel found Mr. Teets attempted to deceive the court in order to give his client additional time and that he intentionally misrepresented the nature of his conversations with Ms. Benoit to the court.

Turning to the aggravating and mitigating factors, the Hearing Panel first noted Mr. Teets’ prior disciplinary offense which was an order of suspension issued by the Supreme Court on June 10, 2020, eight days prior to the trial of this case. The Panel found a dishonest or selfish motive when Mr. Teets informed the court that the bonding company was willing to stay on the bond when he had been specifically advised that the owner of the company was not willing to stay on the bond. The third aggravating factor was Mr. Teets’ refusal to acknowledge the wrongful nature of

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<sup>3</sup> A.B.A. Standard 6.12 provides 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.

his conduct, and finally that Mr. Teets had substantial experience in the practice of law, having been licensed in Tennessee to practice since 2011.<sup>4</sup> The Hearing Panel found no mitigating factors were presented.

### **Standard of Review**

When reviewing a Hearing Panel’s judgment, a trial court must consider the transcript of the evidence before the Hearing Panel and its findings and judgment. Tenn. Sup. Ct. R. 9 § 1.3. On questions of fact, the trial court may not substitute its judgment for that of the Hearing Panel. The same is true for weighing the evidence. Board of Professional Responsibility v. Allison, 284 S.W. 3d 316, 323 (Tenn. 2009). However, the trial court reviews questions of law *de novo* with no presumption of correctness. Board of Professional Responsibility v. Cowan, 388 S.W. 3d 264, 267 (Tenn. 2012). The trial court will only reverse or modify the decision of a Hearing Panel if the rights of the petitioner had been prejudiced because of the Panel’s findings, inferences, conclusions, or decisions are: 1) in violation of constitutional or statutory provisions; 2) in excess of the Panel’s jurisdiction; 3) made upon unlawful procedure; 4) arbitrary or capricious or characterized by abuse of discretion; 5) unsupported by evidence which is both substantial and material. Board of Professional Responsibility v. Reguli, 489 S.W. 3d 408, 417 (Tenn. 2015).

### **Analysis**

On appeal, Mr. Teets raises three areas of concern. He contends that the decision of the Hearing Panel was made upon unlawful procedure, that it was arbitrary or capricious, and that it is unsupported by the evidence. The initial issue of contention between the Board and Mr. Teets is the first statement which he made to the court at the sentencing hearing when Mr. Teets was

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<sup>4</sup> The Panel noted that a licensed attorney need not have substantial experience to appreciate the duty of candor to a court.

requesting an additional thirty days for his client to report to begin serving his sentence. It was at that point that Mr. Teets told the court: “Your Honor, I’ve spoken with the bonding company. He’s willing to stay on the bond as well.” The Hearing Panel found that in making the above statement, Mr. Teets was stating that he had specifically spoken to the bonding company about staying on the bond an additional thirty days, and that the bonding company had expressed a willingness to do so. The Panel found this statement was false. The Panel also considered Mr. Teets’ interpretation that he was speaking about a conversation he had had with the bonding company months before on the date of his client’s arraignment. The Panel found this explanation not to be credible.

The Court finds the Panel’s findings are fully supported by the record and in fact, the only reasonable explanation. As Mr. Teets has admitted, this was his first sentencing hearing, and he was unfamiliar with the local practice of Williamson County, and in particular, Judge Martin. Rather than admit to the court in front of his client that he was not aware that the court would require a written confirmation from the bonding company if a defendant requested additional time, Mr. Teets made up a story. Mr. Teets has maintained that his only contact with Free At Last for this client was with Christina Norris.<sup>5</sup> Yet, during the hearing, Mr. Teets was unable to explain who the “he” was that Mr. Teets was referring to when he made the above statement to the court.

When Mr. Teets returned to the court after his second conversation with Agent Benoit, he made a bad situation worse by not telling Judge Martin that the bonding company refused to stay on the bond and instead used deflection and deception. In telling the court that no one will override any decision of Ms. Norris who was on vacation, Mr. Teets misled the court by failing to explain that he had been told that the owner, Greg Sanford, had said he would not extend the bond. The

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<sup>5</sup> Ms. Norris is the female agent in charge of Williamson County.

Hearing Panel found that Mr. Teets failed to retract his initial misstatement to the court and that his subsequent statements further misled the court regarding his communications with the bonding company. There is no question that the court was under the impression that the bonding company was unable to respond to Mr. Teets' request. That was just not true, and Mr. Teets had an obligation to correct the court's impression.

It is the duty of an attorney to uphold the honor of the profession of law; to be honest, to be of good conduct in the discharge of his duties to the court, and the public, and his clients. Attorneys are trusted by the community with the care of their lives, liberty, and property with no other security than personal honor and integrity.

Schoolfield v. Tennessee Bar Ass'n, 353 S.W. 2d 401, 404 (Tenn. 1961).

Mr. Teets contends that the Hearing Panel acted arbitrarily when it limited his closing argument at the hearing. The Court disagrees. The Hearing Panel acting as a trial court has wide discretion in controlling or limiting closing arguments. State v. Sutton, 562 S.W. 2d 820 (Tenn. 1978). Moreover, the Hearing Panel allowed both parties to file proposed findings of fact and conclusions of law on all the issues which they wanted the Panel to consider.

Mr. Teets objects to the Hearing Panel's finding that he refused to acknowledge the wrongful nature of his conduct or show remorse as an aggravating factor because it was not contained in the petition for discipline. Mr. Teets' failed to cite the court to any authority that would require the petition to include all of the aggravating or mitigating factors which the Panel should consider. In this particular case, the Court finds that the Hearing Panel gave Mr. Teets the opportunity during the trial itself to acknowledge the wrongful nature of his conduct, and it goes without saying if an attorney refuses to acknowledge that he has done anything wrong, that aggravating factor can certainly be applied.

Mr. Teets argues that it was improper for counsel for the Board in requesting a continuance to inform the Panel that counsel for the Board was appearing before the Supreme Court in another

matter involving Mr. Teets. The Court notes that Mr. Teets did not object at the time counsel for the Board requested a continuance, and Mr. Teets' request to supplement the record with the email has been denied.

Mr. Teets argues the Panel abused its discretion because it failed to give any weight that the practice of the 21<sup>st</sup> Judicial District creates an inherent conflict of interest. The Court finds this argument is without merit. The contract in this case was between the bonding company and the defendant. Mr. Teets had nothing to do with the negotiation of the contract and neither did the court. The Legislature amended the law pertaining to bonding companies that allowed them to be released from the bond once the court had imposed a sentence. Here, it appears that Mr. Teets was not familiar with the local rule of Williamson County and as a consequence was unprepared when the court announced its sentence. He misled the court when he volunteered that the bonding company had agreed to stay on the bond, and then he failed to inform the court that the owner had communicated that he was unwilling to stay on the bond.

The record in this case contains substantial and material evidence to support the Hearing Panel's conclusion that Mr. Teets made false statements of fact to the court regarding the bonding company's willingness to stay on the bond and by misrepresenting to the court that no one could reach the bonding agent and that he could not get a response from the owner of the company.

Comment [3] to Rule 8 R.P.C. 3.3 provides in part that:

An assertion purporting to be on the lawyer's own knowledge, as in an affidavit by the lawyer **[or in a statement in open court]**, may properly be made only when the lawyer knows that the assertion is true or believes it to be true on the basis of a reasonably diligent inquiry. There are circumstances where failure to make a disclosure is the equivalent of an affirmative misrepresentation.

Rule 8 R.P.C. 3.3, Comment [3].

Accordingly, the Court finds that Mr. Teets violated Rule 3.3 **Candor Toward the Tribunal.**

Likewise, the Court concurs with the findings of the Hearing Panel that Mr. Teets violated R.P.C. 8.4 by engaging in conduct involving dishonesty, deceit or misrepresentation or conduct that is prejudicial to the administration of justice.

After determining that there was a violation of the Rules of Professional Conduct, the Hearing Panel applied the ABA Standards for imposing lawyer sanctions. It considered 6.11 - Disbarment, 6.12 - Suspension, and 6.13 -Reprimand. The Panel found that the presumptive baseline sanction in this case was suspension under 6.12.<sup>6</sup> Here, Mr. Teets intentionally made misrepresentations to the court and then intentionally withheld material information from the court. Even when the court asked Mr. Teets about the owner, he failed to inform the court that he had been told that the owner would not remain on the bond. The Panel concluded that Mr. Teets deceived the court in order to provide his client additional time to take care of his personal affairs.

The Panel concluded:

There is no question that he [Teets] 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.

(TR 180)

The actions by Mr. Teets had a potentially adverse effect because they caused the bonding company to remain liable on the bond after the court had imposed a judgment of incarceration. If Mr. Randle had not appeared to serve his sentence, then there would have been a real conflict

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<sup>6</sup> 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.

between the bonding company and the Circuit Court for Williamson County. The Court does not disagree with the presumptive ABA Standard 6.12 as found by the Hearing Panel.

The Hearing Panel then turned to aggravating and mitigating factors. Mr. Teets objects to the Panel's consideration of his prior disciplinary offense in which the Supreme Court entered a final order on June 10, 2020, eight days before the commencement of the proceedings in this case. At the time the Supreme Court entered its order, it then became a public record which was available to anyone, including the Panel. Moreover, as the Panel pointed out Mr. Teets testified on direct examination about his prior suspension. The Court concludes it was not error for the Panel to consider the prior discipline once the Supreme Court ruled.

Mr. Teets argues that it was error for the Hearing Panel to find a dishonest motive as an aggravating factor because it was duplicative of the elements of the Rule of Professional Conduct which the Panel found he violated. In Beier v. Board of Professional Responsibility, 610 S.W. 3d 425 (Tenn. 2020), the Supreme Court found there was substantial evidence to support the Hearing Panel's finding that Mr. Beier violated R.P.C. 3.3 by signing grandmother's name to the affidavit, notarizing the signature, and signing the affidavit without disclosing that he signed it. They also found there was material evidence to support the Hearing Panel's finding that Mr. Beier violated R.P.C. 3.3 when he misrepresented to the probate court that Mr. Norton was Ms. Jenkins' sole heir and failed to disclose Mr. Norton's half cousins to the probate court. The court then found that the evidence fully supported the application of the "dishonest or selfish motive" as an aggravating factor. Id. \*446. This argument is without merit.

Mr. Teets asserts that the Panel abused its discretion when it found that he presented no mitigating factors for consideration. The Court finds that this finding by the Hearing Panel was error. In fact, during closing arguments, counsel for Mr. Teets discussed the four mitigating factors



which Mr. Teets set forth in his answer. However, the Panel may have overlooked these factors because they were not articulated clearly in Mr. Teets' proposed findings of fact and conclusions of law.

Mr. Teets initially argues an absence of a dishonest or selfish motive. Here, there was no motive for personal financial gain by Mr. Teets; however, one could argue that Mr. Teets' misrepresentations to the court were motivated by his desire to avoid explaining to his client that he was not prepared for the outcome of the sentencing hearing, i.e., immediate incarceration. As to the second factor, the Court agrees that Mr. Teets did engage in full and free disclosure to the Board and was cooperative in the proceedings. As to character and reputation, there really was not sufficient proof for the Panel to make a finding on this factor. As to the fourth factor of limited experience, the Court finds that any attorney who has been admitted to the bar should know that he has a duty to be forthright and honest with his representations to the court.

### **The Sanction Imposed**

In order to determine the appropriate discipline in a given case, the Court looks to the ABA Standards for imposing lawyer sanctions. Maddux v. Board of Professional Responsibility, 409 S.W. 3d 613, 624 (Tenn. Ct. App. 2013). These standards act as a guide rather than rigid rules, thereby providing courts with discretion in determining the appropriate sanction for a lawyer's misconduct. Id. Here, the Panel reviewed the three possible standards and found that Standard 6.12 regarding suspension should apply as the presumptive baseline sanction. It found Mr. Teets intentionally made misrepresentations to the court and intentionally withheld material information from the court. It then found that Mr. Teets failed to take remedial action to correct his misrepresentations when the court specifically asked him about the owner. The Panel then noted that Mr. Teets' misrepresentation had a potentially adverse effect on the legal proceeding since the

bonding company remained obligated on the bond against its express unwillingness to continue thereon. The Panel then considered the aggravating factors. It found a prior disciplinary offense, a dishonest or selfish motive, the refusal to acknowledge the wrongful nature of conduct, and Mr. Teets' experience in the practice of law. As noted earlier, the Panel erred when it found Mr. Teets did not present any mitigating factors.

The Court has reviewed those factors and found that there was one mitigating factor that the Panel should have applied. However, even after considering this mitigating factor, the Court cannot conclude that the one-year suspension imposed by the Hearing Panel amounted to an arbitrary decision.

#### Conclusion

The Hearing Panel's decision was supported by substantial and material evidence and was not an abuse of discretion. Therefore, the decision of the Hearing Panel is affirmed in all respects.

It is so **ORDERED**.

ENTERED this 12 day of MAY, 2021.

  
ROBERT E. LEE DAVIES, SENIOR JUDGE

**CLERK'S CERTIFICATE OF SERVICE**

A copy of this Order has been served by U.S. Mail and/or Email upon all parties or their counsel named below:

Kevin William Teets, Jr., *pro se*  
1921 Greenwood Ave., C15  
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\_\_\_\_\_  
Deputy Clerk

5/17/2021  
Date