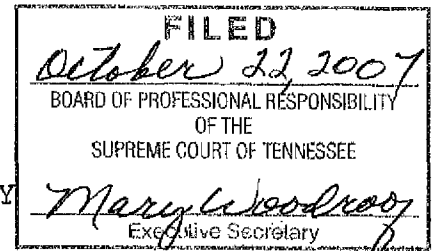


IN DISCIPLINARY DISTRICT I
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE



IN RE: SUSANNA LAWS THOMAS,
BPR No. 11190,
An Attorney Licensed to
Practice Law In Tennessee
(Cocke County)

DOCKET NO. 2004-1460-1-TC

JUDGMENT OF THE HEARING PANEL OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY

This matter came on for hearing before the undersigned Hearing Panel of the Board of Professional Responsibility at 2:30 p.m. on September 19, 2007, to determine the sanction to be imposed on the Respondent, Susanna Laws Thomas. Despite record evidence of receipt of notice of the hearing by the Respondent, the Respondent did not appear. The Board of Professional Responsibility was represented by Disciplinary Counsel Theresa M. Costonis.

Statement of the Case

The Respondent was served with a Petition for Discipline filed on September 13, 2004. The Respondent filed a response on October 14, 2004. A Supplemental Petition for Discipline was filed on September 13, 2005. The Respondent did not file a response to the Supplemental Petition for Discipline. On February 20, 2007, the Hearing Panel, Disciplinary Counsel Theresa M. Costonis, and

the Respondent, Susanna Laws Thomas, were present for a scheduled hearing regarding the Petition for Discipline and Supplemental Petition for Discipline. The sole remaining issue was the extent of the discipline to be imposed against the Respondent. The issue of whether discipline should or would be imposed on the charges set forth in the Petition for Discipline and Supplemental Petition for Discipline was already resolved by the granting of the Board's Motion for Partial Summary Judgment as to the allegations contained in the Petition for Discipline on February 14, 2007, and the granting of the Board's Motion for Default as to the allegations contained in the Supplemental Petition for Discipline on October 20, 2006.

Findings of Fact and Conclusions of Law

As was established by the granting of the Motion for Default Judgment on October 20, 2006, and the granting of the Motion for Partial Summary Judgment on February 14, 2007, the Respondent is guilty of violating the Disciplinary Rules of the Code of Professional Responsibility, DR 1-102(A) (1) (2) (3) (4) (5) (6), DR 2-106(A) (B), DR 2-110(A) (1) (2) (3), DR 4-101(B) (3), DR 5-101(A), DR 5-105(A) (B), DR 6-101(A) (1) (2) (3), DR 7-101(A) (1) (2) (3) (4), DR 7-102(B) (1) (2) (3) (4) (5) (5) (7) (8), DR 7-104(A) (1) (2), DR 8-101(A) (1) (2), and DR 9-101(A) (B), and Rules of Professional Conduct 1.1., 1.2, 1.3, 1.4, 1.5, 1.7, 1.15, 1.16, 3.5, 3.7, 4.2, 8.1, and 8.4. The Hearing Panel also adopts the Board of Professional Responsibility's Proposed Findings of Facts and Conclusions of Law, filed on December 20, 2006.

Additional Findings and Reasoning for
Disciplinary Sanction to be Imposed

As set forth below, the Hearing Panel of the Board of Professional Responsibility is imposing the Board of Professional Responsibility's recommendation for a suspension of three and one-half years, with conditions precedent to any reinstatement thereafter, but providing that that suspension shall commence on September 19, 2007. This sanction is imposed for the reasons set forth above, as well as the Respondent's lack of cooperation and willingness to follow through with the terms of an agreement to enter into a Conditional Plea of Guilty reached on February 20, 2007. The Respondent represented on the record at that prior hearing in this matter that she was in agreement with the terms announced and that she would comply with them and enter into a Conditional Plea of Guilty based on them. Specifically, the Respondent was to contact the Tennessee Lawyer Assistance Program (TLAP) before signing the Conditional Plea of Guilty, but she did not do so before signing the proposed Conditional Plea of Guilty on May 1, 2007, or thereafter.

On March 6, 2007, Disciplinary Counsel for the Board of Professional Responsibility sent the Respondent a correspondence informing her of the contact information for the TLAP program, and mailed the draft proposed Conditional Plea of Guilty, based on the terms agreed to and announced on the record at the February 20, 2007, hearing, to the Respondent under cover of the same letter. Subsequently, Disciplinary Counsel sent the Respondent an additional correspondence, by certified mail, dated April 4, 2007.

The Respondent received and signed for this letter on April 14, 2007. Disciplinary Counsel's April 4, 2007, letter reminded the Respondent that Disciplinary Counsel had not received the signed Conditional Plea of Guilty from the Respondent, nor had Respondent contacted the Board or TLAP. Disciplinary Counsel gave the Respondent seven additional days to contact either the Board of Professional Responsibility or TLAP. On May 3, 2007, Disciplinary Counsel filed a Motion for Ruling on Sanction and to Enforce Settlement Agreement, or in the Alternative; for a Further Hearing. One day later, May 4, 2007, Disciplinary Counsel received the Conditional Plea of Guilty, which was executed by the Respondent with a date of May 1, 2007. However, the Respondent had not first fulfilled the condition precedent, specified in the Conditional Plea of Guilty, that she contact and enter into a preliminary monitoring agreement with TLAP. Accordingly, on May 7, 2007, Disciplinary Counsel sent the Hearing Panel a letter, a copy of which was sent to the Respondent, advising that she could not execute the proposed Conditional Plea of Guilty as it would not be accurate to ratify the language in it reciting that Respondent had contacted TLAP and entered into a preliminary monitoring agreement with TLAP when she had not done so, and seeking further guidance from the Hearing Panel. On July 18, 2007, Disciplinary Counsel sent another letter to the Hearing Panel which was copied to the Respondent, which set forth that the Hearing Panel had sent a letter through John Banks as to whether the Respondent was going to accept and comply with the condition precedent to the Conditional Plea of Guilty, and that if she was not that it would be necessary

to schedule a new hearing. The September 19, 2007, hearing was scheduled on this basis, and notice thereof was provided to the Respondent.

At the hearing on September 19, 2007, the Hearing Panel of the Board of Professional Responsibility telephoned the TLAP office, specifically, its Executive Director, Ms. Laura Gatrell, who testified that as of September 19, 2007, the Respondent had not contacted TLAP. Ms. Gatrell of TLAP testified that she had sent a letter to the Respondent on May 29, 2007, giving Ms. Thomas ten days to contact them, and there was no response by Ms. Thomas.

Judgment

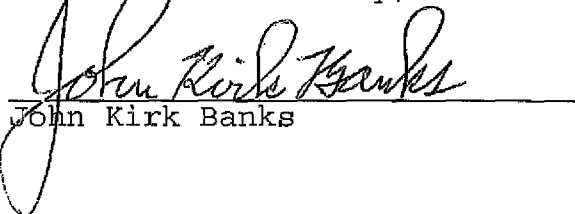
The Panel finds that the Respondent, Susanna Laws Thomas, shall have her license to practice law suspended for a period of three and one-half years, beginning September 19, 2007, which arises out of the conduct alleged in the Petition for Discipline and Supplemental Petition for Discipline. As conditions precedent to reinstatement, Susanna Laws Thomas shall:

- (a) Obtain a statement from each of the Complainants in File Nos. 27391c-1-TC, 27586-1-TC, and 27661c-1-TC, that she had made satisfactory restitution to each of them.
- (b) Enter into a preliminary monitoring agreement with the Tennessee Lawyers Assistance Program (TLAP) and then have an assessment performed by a professional recommended by TLAP and enter into a monitoring agreement with TLAP and remain in compliance with the terms of that monitoring agreement during the duration of her suspension.

- (c) Attend the Board of Professional Responsibility's Annual 2008 Ethics Workshop; and
- (d) Pursuant to Section 24.3 of Supreme Court Rule 9, reimburse and pay to the Board of Professional Responsibility the cost and expenses of this proceeding, for which execution shall issue, if necessary.


Regina LeeAnn Shepherd, Chair


Thomas Jarvis Seeley, III


John Kirk Banks

SUBMITTED BY:

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