

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

FILED  
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BOARD OF PROFESSIONAL  
RESPONSIBILITY  
EXEC. SEC.

IN RE: **GEORGE H. THOMPSON, III,**      **DOCKET NO. 2016-2602-5-WM**  
**BPR# 3024, Respondent,**  
**An Attorney Licensed to**  
**Practice Law in Tennessee**  
**(Davidson County)**

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**FINDINGS OF FACT, CONCLUSIONS OF LAW AND JUDGMENT**

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This matter came on for hearing on September 7, 2017 before a Hearing Panel consisting of Robert C. Bigelow, Brigid M. Carpenter, and Rebekah Lea Shulman, Chair. The Board of Professional Responsibility (the "Board") was represented by William C. Moody. Mr. Thompson was present for the hearing and represented by William R. Hannah.

**FINDINGS OF FACT**

1. Mr. Thompson was admitted to practice law in Tennessee in 1973.
2. Mary Hall sustained injuries in an automobile accident on February 28, 2012.
3. Ms. Hall employed Mr. Thompson to represent her as a result of the injuries she sustained in the automobile accident.
4. On February 28, 2013, Mr. Thompson filed suit on behalf of Ms. Hall in the Davidson County General Sessions Court. The suit was transferred to the Davidson County Circuit Court.
5. On June 24, 2014, an order of voluntary nonsuit was entered dismissing the suit without prejudice to its refiling.

6. Pursuant to T.C.A. 28-1-105, the suit must have been re-filed within one year of June 24, 2014 or it would be barred by the statute of limitations.

7. Mr. Thompson did not refile the suit at any time and Ms. Hall's cause of action is now barred by the statute of limitations.

8. Mr. Thompson intended to refile the suit.

9. Mr. Thompson paid Ms. Hall \$5,000 in order to settle her claim against him for legal malpractice.

10. Prior to settling her claim, Mr. Thompson did not advise Ms. Hall in writing of the desirability of seeking independent legal counsel.

11. On September 30, 1994, Mr. Thompson received a private informal admonition for allowing the statute of limitations to expire in a personal injury matter.

12. On March 23, 1995, Mr. Thompson received a private informal admonition for failing to act with reasonable diligence in two matters.

13. On February 25, 2000, Mr. Thompson received a private reprimand for failing to act with reasonable diligence in a bankruptcy case.

14. On June 29, 2000, Mr. Thompson received a public censure for allowing the statute of limitations to expire in a personal injury matter.

15. On October 9, 2003, Mr. Thompson was suspended for one year by the Tennessee Supreme Court, with the entire suspension to be held in abeyance during a period of probation with conditions, for failing to timely refile a personal injury matter after a voluntary dismissal.

16. On November 17, 2006, Mr. Thompson received a private informal admonition as the result of a trust account overdraft.

17. On January 21, 2011, Mr. Thompson received a public censure when he failed to adequately communicate with one client, and when he failed to advise a potential client that he was declining to represent the client prior to expiration of the statute of limitations.

### CONCLUSIONS OF LAW

1. Pursuant to Tenn. Sup. Ct. R. 9, § 1, 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. Acts or omissions by an attorney which violate the Rules of Professional Conduct of the State of Tennessee shall constitute misconduct and be grounds for discipline.

2. The preponderance of the evidence establishes that Mr. Thompson has committed the following violations of the Rules of Professional Conduct.

a. By failing to timely refile Ms. Hall's suit, Mr. Thompson violated RPC 1.1 (Competence) and 1.3 (Diligence).

b. By not advising Ms. Hall in writing of the desirability of seeking independent legal counsel, Mr. Thompson violated RPC 1.8(h)(2), (Conflict of Interest).

c. Violation of the aforementioned Rules of Professional Conduct constitutes a violation of RPC 8.4(a) (Misconduct).

3. The Board has the burden of proving violations of the Rules of Professional Conduct by a preponderance of the evidence. The Board has carried its burden and proven the aforementioned violations of the Rules of Professional Conduct by a preponderance of the evidence.

4. The allegations that Mr. Thompson violated RPC 7.3 (Solicitation of Potential Clients) and 8.4(c) (Misconduct) are voluntarily dismissed pursuant to Tenn. R. Civ. P. 41.01.

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

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

4.41 Disbarment is generally appropriate when:

(c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

8.2 Suspension is generally appropriate when a lawyer has been reprimanded for the same or similar misconduct and engages in further similar acts of misconduct that cause injury or potential injury to a client, the public, the legal system, or the profession.

7. Pursuant to ABA Standard 9.22, the following aggravating factors are present in this case:

- (a) prior disciplinary history;
- (c) a pattern of misconduct;
- (d) multiple offenses; and
- (i) substantial experience in the practice of law.

12. Pursuant to ABA Standard 9.23, the following mitigating factor is present in this case:

- (d) timely good faith effort to make restitution;
- (e) cooperative attitude toward the proceedings; and
- (g) character or reputation.

8. Based upon the evidence and admissions in this matter, the Panel finds that a one-year suspension, with thirty days active suspension and the remainder to be served on probation, is the appropriate discipline. Probation shall be subject to the following conditions:

a. Mr. Thompson, at his cost, shall engage the services of a Practice Monitor who shall be selected and approved in accordance with Tenn. Sup. Ct. R. 9, § 12.9(c). The Practice Monitor shall meet with Mr. Thompson monthly and assess Mr. Thompson's case load, timeliness of performing tasks and adequacy of communication with clients and provide a monthly written report of Mr. Thompson's progress to Disciplinary Counsel;

b. Mr. Thompson shall not, during the period of probation, incur any new complaints of misconduct that relate to conduct occurring during the period of probation and result in a recommendation by the Board that discipline be imposed. In the event that Mr. Thompson violates or otherwise fails to meet said condition of probation, Disciplinary Counsel shall be authorized to file a petition to revoke Mr. Thompson's probation, and upon a finding that revocation is warranted, Mr. Thompson shall serve the previously deferred period of suspension.

**JUDGMENT**

Mr. Thompson is suspended for one year, with thirty days active suspension and the remainder to be served on probation subject to the conditions set out above.

IT IS SO ORDERED.

  
Rebekah Lea Shulman, Panel Chair

  
Robert C. Bigelow, Panel Member

  
Brigid M. Carpenter, 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, George H. Thompson, III, 2601 Deerfield Drive, Nashville, TN 37208, and to his counsel, William H. Hannah, 835 Georgia Avenue, Suite 800, Chattanooga, TN 37402, via U.S. First Class Mail, and hand-delivered to Disciplinary Counsel, William C. Moody, on this the 29<sup>th</sup> day of November, 2017.

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

Rita Webb  
Executive Secretary