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BOARD OF PROFESSIONAL
RESPONSIBILITY

Rew EXEC. SEC'Y

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

IN RE: JOHN O. THREADGILL
BPR No. 001102
Attorneys Licensed to
Practice Law in Tennessee
(Knox County)

DOCKET NO. 2009-1848-2-RS

JUDGMENT OF THE HEARING PANEL

This matter was heard pursuant to Rule 9, Rules of the Tennessee Supreme Court, on February 23, 2011. The hearing panel unanimously makes the following findings of fact and submits its judgment in this case as follows:

FINDINGS OF FACT

1. This is a disciplinary proceeding against the Respondent, John O. Threadgill, an attorney licensed to practice law in Tennessee.
2. Disciplinary Counsel, on behalf of the Board of Professional Responsibility, filed a Petition for Discipline against the Respondent on September 10, 2009.
3. On October 23, 2009, Respondent filed an Answer.
4. On October 6, 2009, the Board filed a Supplemental Petition for Discipline against the Respondent.
5. On November 3, 2009, the Respondent filed an Answer to the Supplemental Petition for Discipline.

6. The Board propounded Interrogatories and Requests for Production of Documents on March 24, 2010.

7. On June 16, 2010, the Respondent responded to the Board's Interrogatories and Requests for Production of Documents.

8. The Respondent's responses to the Board's Interrogatories were entered into evidence as Exhibit 10 at the February 23, 2011 hearing.

9. The matter was set for hearing on February 23 and 24, 2011.

10. On February 15, 2011, the Respondent moved for a continuance of the hearing.

11. The Hearing Panel denied the Respondent's request.¹

12. The Respondent did not appear for the Hearing of this matter on February 23, 2011.

13. The Respondent, John O. Threadgill, is an attorney admitted by the Supreme Court of Tennessee to practice law in the State of Tennessee.

14. Based on the certified copies introduced at the hearing, Respondent has been previously disciplined by the Board.

15. On May 10, 1994, the Respondent received a private informal admonition for failing to pay a medical provider after a settlement.

16. On September 27, 2000, the Respondent received a private informal admonition for filing a plagiarized document in a Federal lawsuit.

17. On November 30, 2009, the Supreme Court suspended the Respondent for one year for misappropriating client funds.

¹ See Order Denying Motion to Dismiss or Accept Surrender of License, entered March 22, 2011.

18. In its November 30, 2009 Order, the Supreme Court also ordered the Respondent to pay restitution to two clients in the amount of \$33,574.36.

FILE NO. 30847-2-TH – COMPLAINANT – KATHIE NORWOOD

19. On February 27, 2008, the Board of Professional Responsibility received a complaint concerning the Respondent filed by Kathie Norwood.

20. Ms. Norwood testified at the February 23, 2011 hearing.

21. Ms. Norwood hired Respondent in August of 2005 to represent her in resolving some matters with respect to her father's estate in Illinois.

22. Respondent hired a Chicago firm as local counsel, since he was not licensed in Illinois.

23. Ms. Norwood initially paid Respondent \$10,000, and ultimately paid a total of \$136,000 in fees to Respondent.

24. Ms. Norwood did so with the understanding that Respondent would be doing or had done a substantial amount of the necessary work.

25. In fact, the Respondent affirmatively stated to Ms. Norwood that he was drafting pleadings and preparing all filings.

26. The Respondent did not prepare pleadings.

27. Respondent visited the Chicago firm only once, in September, and the meeting lasted about two hours.

28. He appeared only once in an Illinois court with local counsel.

29. All other appearances were by the Chicago attorneys.

30. The attorneys of the Chicago firm drafted all pleadings with very few comments from the Respondent.

31. Respondent represented Ms. Norwood for a total of twelve weeks.

32. The Respondent's billing shows inflated amounts for work on pleadings that he did not prepare. Copies of the Respondent's Invoices were entered into evidence at the hearing as Exhibit 8.

33. The Respondent billed Ms. Norwood a total of \$78,604.90 pursuant to these inflated invoices.

34. When asked for an example of inflated billing, Mr. Norwood pointed out that the entry for October 17, 2005, states that 6.5 hours was spent reviewing five emails. Ms. Norwood went as far as to count the number of words in the e-mails and testified with certainty that the time entry was inflated.

35. In addition to the inflated billing, the Respondent took fees in the amount of \$57,000 for which there is no accounting. Ms. Norwood testified that she paid an additional retainer after Mr. Threadgill stated that he would "fast track" the litigation.

36. Ms. Norwood terminated Respondent's representation in early November 2005, after a conversation with the Chicago firm concerning the limited involvement of Respondent in the litigation.

37. Respondent has not refunded any fees to Ms. Norwood.

38. The file returned to Ms. Norwood contained three sheets with Respondent's work product, papers originally supplied to Respondent by Complainant, and a CD of emails. The file did not contain any indication that Mr. Threadgill had drafted pleadings and no indication of legal research.

39. Between September and November of 2005, the Respondent, a solo practitioner, received \$136,000 from Ms. Norwood.

40. The Respondent did not draft pleadings.

41. The Respondent misrepresented the amount of work he did on the matter to Ms. Norwood.

42. The Respondent submitted inflated bills to Ms. Norwood.

43. Between September and November of 2005, the Chicago firm, which was primarily responsible for researching, drafting and reviewing pleadings and which had three attorneys and two paralegals working on this matter billed substantially less than half of what Mr. Threadgill charged.

**FILE NO. 31919-2-KS – COMPLAINANTS – JOHN NICHOLS &
PATRICIA BUCHANAN**

44. On February 20, 2009 and February 23, 2009, the Board of Professional Responsibility received complaints concerning the Respondent filed by John Nichols & Patricia Buchanan, respectively.

45. Mr. Nichols and Ms. Buchanan both testified at the February 23, 2011 hearing.

46. Mr. Nichols and Ms. Buchanan, brother and sister, hired Respondent in August of 2006. Complainants paid Respondent \$10,000, which was to cover closing an open probate, settling a suit against the estate, settling a suit against the driver of decedent's car, and having the vehicle's "black box" analyzed to pursue suit against the adverse driver.

47. Respondent was hired to look into a possible suit against the decedent's insurance carrier for negligence.

48. The decedent had been the passenger in his own car driven by his companion when the driver pulled in front of an oncoming vehicle.

49. The estate received payment of \$100,000 in October of 2007 from proceeds regarding the host driver's negligence.

50. Respondent also filed suit against the adverse driver, hoping to determine by analyzing the "black box" that the driver had been speeding and was liable for the accident.

51. Respondent non-suited that case without the permission or knowledge of Mr. Nichols or Ms. Buchanan.

52. The estate was closed by order of June 23, 2008.

53. The proceeds were to be shared equally by Mr. Nichols and Ms. Buchanan.

54. The Respondent has failed to adequately communicate with Mr. Nichols and/or Ms. Buchanan during his representation of them.

55. The Respondent would not return calls and emails to Ms. Buchanan and misrepresented the status of her case and the status of the settlement proceeds to her.

56. Respondent also delayed in paying Ms. Buchanan and Ms. Nichols their portion of the settlement proceeds from the \$100,000 settlement.

57. He paid Ms. Buchanan \$33,000 on July 29, 2008, after her repeated requests for payment.

58. The Respondent has never paid Mr. Nichols any proceeds from the settlement.

59. The Respondent misappropriated the settlement proceeds owed Ms. Buchanan and Ms. Nichols to his own use.

60. The Respondent misappropriated \$17,000 from Ms. Buchanan and \$50,000 from Mr. Nichols.

FILE NO. 29744-2(K)-TH – COMPLAINANT – FONDA BARNES

61. The Board of Professional Responsibility received a complaint concerning the Respondent filed by Fonda Barnes.

62. Ms. Barnes testified at the February 23, 2011 hearing.

63. The Respondent represented Ms. Barnes in a lawsuit regarding partnership assets and real property.

64. A dispute arose between the Respondent and Ms. Barnes regarding the Respondent's fees.

65. The parties agreed to allow the Knoxville Fee Dispute Resolution Committee determine the matter and to be bound by the Committee's ruling.

66. Both the Respondent and Ms. Barnes agreed that the Knoxville Fee Dispute Resolution Committee's decision would be binding.

67. That Committee found that Complainant was owed an immediate reimbursement of \$8,352.91. A copy of that ruling was entered into evidence at the February 23, 2011 hearing as Exhibit 15.

68. The Committee also expressed serious concerns about the Respondent's billing practices.

69. The Respondent did not immediately refund the unearned fees as required by the Committee's ruling.

70. The Respondent failed to keep the unearned portion of his fee in his trust account.

71. Respondent has never refunded the unearned fees owed Ms. Barnes.

FILE NO. 30683-2(K)-TH – INFORMANT – F. DULIN KELLY, ESQ., CHARLES FLYNN, ESQ., AND ROBERT GERMANY, ESQ.

72. On August 2, 2007, the Board of Professional Responsibility received a complaint concerning the Respondent filed by F. Dulin Kelly, Esq., Charles Flynn, Esq. and Robert Germany, Esq.

73. Respondent represented 40 clients in a lawsuit against the manufacturer of a drug given to cancer patients.

74. Respondent is a sole practitioner.

75. The drug caused the jawbones of some of the cancer patients to rot away.

76. Respondent sold \$1,750,000 of his future attorney fees to Lawsuit Financing/Rainmaker in exchange for \$225,000 up front.

77. No witnesses were produced at the hearing regarding this complaint. The complainants were members of the bar. The allegations of this complaint, other than those that were admitted, were therefore not proven at the hearing.

FILE NO. 31795-2-KS – COMPLAINANT – DR. JACK SCARIANO

78. On January 2, 2009, the Board of Professional Responsibility received a complaint concerning the Respondent filed by John Day, Esq., on behalf of his client, Dr. Jack Scariano.

79. Dr. Scariano testified at the February 23, 2011 hearing.

80. Dr. Scariano hired Respondent in mid-2007 to represent him in negotiating with several creditors.

81. Dr. Scariano was a long-time client of Respondent.

82. There was no written fee agreement regarding this undertaking.
83. Dr. Scariano gave Respondent \$70,000, based upon Respondent's suggestion, to be placed in the Respondent's trust account in order to pay Dr. Scariano's creditors amounts which Respondent was to negotiate. Dr. Scariano sold some of his retirement accounts in anticipation of being able to negotiate these debts.
84. The Respondent did not place the \$70,000 in his trust account.
85. The Respondent cashed the \$70,000 check rather than place it in his trust account.
86. The \$70,000 was to be used to settle with the creditors; Dr. Scariano was to be billed separately for fees.
87. Once Respondent negotiated with a creditor, he was to pay the creditor out of his trust account.
88. Respondent paid creditors approximately \$3,000 on behalf of Dr. Scariano.
89. In the fall of 2008, Dr. Scariano asked Respondent for the return of some of his money.
90. Dr. Scariano received funds totaling \$16,000.
91. The remaining \$50,500 given to the Respondent by Dr. Scariano was never returned to Dr. Scariano nor was it paid to creditors on Dr. Scariano's behalf.
92. Dr. Scariano has demanded the return of his money on several occasions.
93. The Respondent informed Dr. Scariano that he no longer had the remaining funds.
94. Respondent was to send \$18,000 to American Express, but three times the check was returned for insufficient funds.
95. The Respondent has converted Dr. Scariano's money to his own use and benefit.

96. Respondent provided several explanations to Dr. Scariano. Respondent first represented that the money was in the trust account. He later said that an employee had misappropriated the money. On another occasion, he claimed that he did not have the money because private schools were expensive.

97. As a result of Respondent's conduct, his client was denied opportunities to settle his debts.

COMPLAINT OF MATT PRINCE: FILE NO. 32175-2-KS

98. On May 11, 2009, the Board received a complaint from Matt Prince and designated it as File No. 32175-2-KS.

99. Mr. Prince testified at the February 23, 2011 hearing.

100. Respondent represented Mr. Prince and obtained a garnishment of \$13,330.49 against a defendant.

101. The garnishment occurred in July of 2008.

102. The money was released to Respondent after being held for thirty days by the Knox County Clerk and Master.

103. A copy of the negotiated check from the Knox County Clerk and Master was entered into evidence at the February 23, 2011 hearing as Exhibit 18.

104. Further, the Respondent's bank records, entered into evidence as Collective Exhibit 25 at the February 23, 2011 hearing, show that this check was deposited into a bank account of the Respondent on August 15, 2008.

105. Mr. Price never received the money from the Respondent, despite numerous visits to Respondent's office each month since the garnishment.

106. The Respondent converted Mr. Prince's funds for his own use and benefit.

COMPLAINT OF MELANIE CREECH: FILE NO. 32305-2-KS

107. On June 29, 2009, the Board received a complaint from Melanie Creech and designated it as File No. 32305-2-KS.

108. Ms. Creech testified at the February 23, 2011 hearing.

109. Ms. Creech hired Respondent to represent her in March of 2008 in a civil suit in General Sessions Court.

110. Ms. Creech attended a hearing in May of 2008. The case was moved to Circuit Court.

111. From May to November of 2008, Ms. Creech attempted to contact Respondent about her new court date, but she could not reach the Respondent.

112. In November of 2008, the Respondent informed Ms. Creech that trial was set for January 5, 2009.

113. Ms. Creech provided the Respondent with a witness's contact information and informed the Respondent that it would be necessary to subpoena the witness, a South Carolina resident.

114. The Respondent never contacted Ms. Creech's witness.

115. The Respondent never issued a subpoena for Ms. Creech's witness.

116. The Respondent made no preparations for the hearing on Ms. Creech's case.

117. The trial did not go forward on January 5, 2009.

118. Ms. Creech again could not get in contact with the Respondent.

119. Every time Ms. Creech tried to contact the Respondent's office, she obtained voice mail only. Ms. Creech resorted to sending certified letters that were signed for but still did not receive communication from Respondent.

120. Respondent has not filed a motion to withdraw, despite having told Ms. Creech that he would do so.

121. Respondent has not returned Ms. Creech's file.

122. Ms. Creech's case has not yet been resolved.

COMPLAINT BY ALESHA GRAYSON: FILE NO. 32373c-2-KS

123. On March 16, 2009, the Board's Consumer Assistance Program received a complaint from Alesha Grayson alleging ethical misconduct by Respondent.

124. Ms. Grayson testified at the February 23, 2011 hearing.

125. Respondent represented Ms. Grayson in a personal injury suit and obtained a settlement on her behalf.

126. Ms. Grayson was paid a large portion of her settlement on November 11, 2007 but Respondent kept \$26,000 to pay for TennCare subrogation claims.

127. The Respondent did not place this \$26,000 in a trust account.

128. In fact, the Respondent's bank accounts, Collective Exhibit 25, show that the Respondent deposited a \$275,000 settlement check in the Grayson case into account 0055960243, which is not a trust account.

129. Respondent told Ms. Grayson that she would get any of the subrogation money that TennCare had not paid out in medical bills.

130. Ms. Grayson has attempted to contact Respondent by phone and by stopping by his office, to no avail.

131. Respondent has failed to provide Ms. Grayson with an accounting of the \$26,000.

132. Respondent has misappropriated the \$26,000 for his own use and benefit.

133. Ms. Grayson contacted TennCare, and TennCare informed her that Respondent had not contacted TennCare.

134. Respondent has failed to respond to Ms. Grayson's requests for information from her file.

135. Ms. Grayson has both been deprived of money and the opportunity to resolve her case as a result of Respondent's conduct

BANK RECORDS

136. At the February 23, 2011 hearing, the Board entered as Exhibit 25 a collective exhibit of the Respondent's bank records.

137. The collective exhibit contains records of four of the Respondent's bank accounts:

138. Account number 0055960243 is not a trust account.

139. The Respondent deposited attorney fees and retainers in this account.

140. The Respondent also paid business and personal expenses from this account and made ATM and debit withdrawals from this account.

141. For example, the Respondent deposited a \$275,000 settlement check in the Grayson case into this account.

142. Shortly after depositing the \$275,000 Grayson settlement check, the Respondent made a bank debit from this account in the amount of \$180,000 and made a wire transfer of \$17,000 to Wofford College.

143. The Respondent also deposited \$81,500 from a settlement check in the Buchanan/Nichols matter into this account.

144. Shortly after making the deposit of the Buchanan/Nichols settlement check, the Respondent transferred \$40,000 from account number 0055960243 to account number 0092011446.

145. Account number 0092011446 is not a trust account.

146. Personal and business expenses were then paid from this account reducing the account balance to \$31,225.00 at the end of January of 2008.

147. No payments were made to Ms. Buchanan or Ms. Nichols during this period of time.

148. The Respondent also maintained an escrow account bearing account number 0082767025.

149. The Respondent paid personal debts from this escrow account, including, but not limited to, a payment for a Porsche on November 26, 2008 and the payment of a cable bill on November 25, 2008.

150. The Respondent also deposited client funds in this account.

151. On August 15, 2008, the Respondent deposited the garnishment check from the Knox County Clerk and Master owed to his client Matt Prince.

152. The Respondent wired \$33,000 to Ms. Buchanan from this account in partial payment of her settlement proceeds.

153. No funds belonging to Ms. Buchanan were ever deposited into this account.

154. The Respondent also maintained an account labeled a “special account” and bearing account number 0055960251.

155. Account number 0055960251 is not a trust account.

156. The Respondent paid personal and business debts from this account, including, but not limited to, payments to Brooks Brothers, Verizon, Wofford College, and car payments.

157. The Respondent also deposited client funds into this account, including, but not limited to, money he received from Dr. Scariano and \$180,000 he received in settlement of the Grayson matter.

CONCLUSIONS OF LAW

1. Pursuant to Section 1 of Rule 9, any attorney admitted to practice law in Tennessee is 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 Section 3 of Supreme Court Rule 9, 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. Acts or omissions by an attorney that violate the Rules of Professional Conduct of the state of Tennessee shall constitute misconduct and be grounds for discipline.

4. The Respondent failed to comply with the Rules of Professional Conduct by failing his clients in a myriad of ways, including the commingling of personal and client funds and the misappropriation of client funds.

5. The Respondent engaged in conduct involving dishonesty, fraud, deceit or misrepresentation.

6. The Petition for Discipline and the Supplemental Petition for Discipline charge the Respondent with the violation of Rules of Professional Conduct 1.1, 1.3, 1.4, 1.5, 1.15, 1.16, 4.2, 8.1(b) and 8.4.

7. Rule of Professional Conduct 1.1 requires that an attorney "provide competent representation to a client." Rule 1.1 further states that competent representation "requires legal knowledge, skill, thoroughness, and preparation reasonably necessary for the representation."

8. The Respondent violated Rule 1.1 with regard to his representation of Ms. Norwood, Dr. Scariano, Ms. Creech and Ms. Grayson.

9. The Respondent violated Rule 1.1 by failing to provide Ms. Norwood with thorough representation despite his statements to the contrary. The Respondent relied solely on the work of Chicago counsel.

10. The Respondent violated Rule 1.1 in his representation of Dr. Scariano by failing to competently negotiate with creditors and by failing to make timely payments to creditors to effectuate settlement.

11. The Respondent violated Rule 1.1 in his representation of Ms. Creech by failing to properly prepare Ms. Creech's matter for hearing and by failing to subpoena a witness identified by Ms. Creech.

12. The Respondent violated Rule 1.1 in his representation of Ms. Grayson by failing to pursue a resolution of TennCare's subrogation claim.

13. Rule 1.3 of the Tennessee Rules of Professional Conduct requires that a lawyer "act with reasonable diligence and promptness when representing a client.

14. The Respondent violated Rule 1.3 by failing to provide diligent representation to Dr. Scariano and by diligently pursuing efforts to negotiate settlements with Dr. Scariano's creditors.

15. The Respondent violated Rule 1.3 by failing to provide diligent representation to Ms. Creech and failing to properly prepare her matter for hearing and bring her matter to hearing.

16. The Respondent violated Rule 1.3 by failing to diligently pursue the satisfaction of TennCare's subrogation interest in Ms. Grayson's case.

17. Rule 1.4 requires that an attorney adequately communicate with his clients. In each of the files in the Petitions the Respondent has failed to meet his duties under these Rules.

18. In the Norwood matter, the Respondent failed to communicate with Ms. Norwood regarding the status of her case and he failed to honestly communicate with her regarding his fees and the division of work between him and Chicago counsel.

19. The Respondent failed to communicate with Ms. Buchanan and Mr. Nichols regarding the status of different aspects of their father's estate and failed to communicate with them regarding the disbursement of settlement proceeds.

20. The Respondent also failed to communicate with Dr. Scariano regarding the payment of his creditors and the status of the funds paid to the Respondent.

21. The Respondent failed to communicate with Ms. Creech regarding the status of her case and the hearing dates for her case.

22. Finally, the Respondent failed to communicate with Mr. Prince and Ms. Grayson regarding funds owed each of them after the end of the Respondent's representation.

23. The Respondent violated Rule 1.5 by charging unreasonable fees, including fees for which he provided no service.

24. The Respondent violated Rule 1.5 in his representation of Ms. Norwood by taking an unreasonable fee.

25. The Respondent represented Ms. Norwood for 12 weeks and received \$136,000 in fees.

26. The Respondent did little if any work to earn this fee, relying almost exclusively on Chicago counsel to pursue the litigation.

27. The Respondent's invoices, entered as *Exhibit 8*, show gross overcharging.

28. The invoices show charges totaling \$78,604.90.

29. These charges are grossly exaggerated in light of the amount of work the Respondent performed on Ms. Norwood's case.

30. Further, the Respondent has failed to account for \$57,000 of fees paid by Ms. Norwood, and for which he billed no services.

31. This \$57,000 was converted by the Respondent to his own use and benefit.

32. The Respondent also charged an unreasonable fee in the Barnes matter, as evidenced by the testimony of Ms. Barnes and the Knoxville Bar Association Order.

33. The Respondent violated Rule 1.15 which requires that the Respondent safekeep funds given to him by clients, keep those funds separate from the Respondent's own property and funds and keep those funds in a trust account.

34. The Respondent failed to keep safe the funds of Dr. Scariano, Ms. Norwood, Ms. Buchanan, Mr. Nichols, Ms. Barnes, Mr. Prince, and Ms. Grayson in that the Respondent was given monies owed each of these individuals and has failed to return these funds.

35. The Respondent's bank records clearly demonstrate a widespread commingling of client, personal and business funds.

36. The Respondent's inability to produce funds owed his clients, and the widespread commingling of client, personal and business funds, evidence that the Respondent has misappropriated the unearned fees owed Ms. Norwood, the funds intended for the payment of creditors given to him by Dr. Scariano, the unearned fees of Ms. Barnes, the settlement proceeds of Ms. Buchanan, the settlement proceeds of Mr. Nichols, the garnishment proceeds of Mr. Prince and the settlement proceeds of Ms. Grayson.

37. The Respondent has also failed to properly withdraw from representation, in violation of Rule of Professional Conduct 1.16.

38. The Respondent has ceased his representation of Dr. Scariano, Ms. Norwood, Ms. Buchanan, Mr. Nichols, Ms. Barnes, Mr. Prince, and Ms. Grayson without returning fund and property belonging to his clients and without returning unearned fees owed his clients.

39. The Respondent has ceased his representation of Ms. Creech and Ms. Grayson without returning his client files to them.

40. The Respondent's failure to properly terminate his representations of his clients in accordance with Rule 1.16 has prevented his clients from pursuing further relief.

41. Each of the violations set forth above are violations that also necessitate a finding of a violation of Rule 8.4(a).

42. The Respondent violated Rule 8.4(c) which provides that it is misconduct for a lawyer to “engage in conduct involving dishonesty, fraud, deceit or misrepresentation.”

43. The Respondent’s misrepresentations to his clients regarding the status of their cases and of their settlement proceeds in the Buchanan/Nichols matter, the Prince matter, the Grayson matter and the Creech matter violate Rule 8.4(c).

44. The Respondent’s misrepresentations to Ms. Norwood regarding the work he was providing on her case, his drafting of pleadings and the validity of his fees violate Rule 8.4(c).

45. The Respondent also violated Rule 8.4(d) which provides that it is misconduct for a lawyer to engage in conduct that is prejudicial to the administration of justice.

46. The Respondent’s conduct in each of the matters set forth above is conduct prejudicial to the administration of justice in that each Complainant relied on the Respondent as their representative providing access to the legal system. In each case, the Respondent betrayed that reliance, in fact, using his position as an attorney to victimize the Complainants and misappropriate funds belonging to them.

47. The Supreme Court has adopted for use by its Hearing Panels the ABA Center for Professional Responsibility Standards for Imposing Lawyer Sanctions (ABA Standards).

48. Based upon the Findings of Fact and Conclusions of Law set forth above, the Hearing Panel finds that the following ABA Standards are applicable.

Section 5.11 of the ABA Standards states:

Disbarment if generally appropriate when:

(b) a lawyer engages in any other intentional conduct involving dishonesty, fraud, deceit, or misrepresentation that seriously adversely reflects on the lawyer’s fitness to practice.

Section 4.11 of the ABA Standards states:

Disbarment is generally appropriate when a lawyer knowingly converts client property and causes injury or potential injury to a client.

Section 4.41 of the ABA Standards states:

Disbarment is generally appropriate when:

- (a) a lawyer abandons the practice and causes serious or potentially serious injury to a client; or
- (b) a lawyer knowingly fails to perform services for a client and causes serious or potentially serious injury to a client; or
- (c) a lawyer engages in a pattern of neglect with respect to client matters and causes serious or potentially serious injury to a client.

49. The Respondent's prior disciplinary history also supports the imposition of disbarment.

50. Specifically, the Respondent's November 30, 2009 suspension from the practice of law for converting client funds is of such a similar nature to the complaints before this Hearing Panel that it must aggravate the discipline to be imposed.

51. The Hearing Panel further finds the following aggravating factors pursuant to ABA Standards Section 9.2:

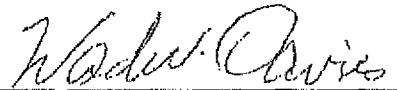
- a. The Respondent's action evidenced a dishonest and selfish motive;
- b. The Respondent's conduct evidences a pattern of misconduct;
- c. The Respondent has engaged in multiple offenses;
- d. The Respondent has refused to acknowledge the wrongful nature of his conduct;
- e. The Respondent's victims were particularly vulnerable in that they were his clients and relied on him to represent and care for their interest;
- f. The Respondent has substantial experience in the practice of law; and
- g. The Respondent has evidenced an indifference to making restitution.

JUDGMENT

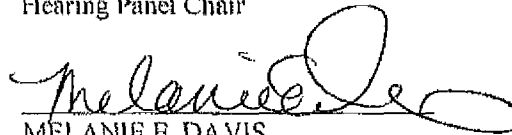
In light of the Findings of Fact and Conclusions of Law and the aggravating factors set forth above, the Hearing Panel hereby finds that the Respondent, John O. Threadgill, should be disbarred. Further, as a condition precedent to any subsequent reinstatement to the practice of law, the Hearing Panel further finds that the Respondent should be required to pay restitution in the following amounts:

| | |
|-------------------|-------------|
| Kathy Norwood | \$136,000 |
| Patricia Buchanan | \$17,000 |
| John Nichols | \$50,000 |
| Fonda Barnes | \$8,352.91 |
| Dr. Jack Scariano | \$50,500 |
| Matt Prince | \$13,330.49 |
| Alesha Grayson | \$26,000 |

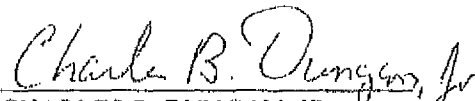
Entered this 22nd day of March, 2011.



WADE V. DAVIES
Hearing Panel Chair



MELANIE E. DAVIS
Hearing Panel Member



CHARLES B. DUNGAN, JR. by *WV [unclear]*
Hearing Panel Member