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2017 MAY 22 PM 3:00

BOARD OF PROFESSIONAL
RESPONSIBILITY
EXEC. SEC'y

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

IN RE: JOHN O. THREADGILL, DOCKET NO. 2012-2174-2-SG (14)
Respondent,

JUDGMENT OF THE HEARING PANEL

This cause was heard on March 20, 2017 before the Hearing Panel of the Board of Professional Responsibility of the Tennessee Supreme Court upon the Petition for Final Discipline filed on December 17, 2012 by the Board of Professional Responsibility (hereinafter the "Board"), and the Answer thereto filed by the Respondent, John O. Threadgill. The Board appeared at said hearing through counsel; Respondent appeared in person pro se. Upon the exhibits introduced into evidence at the hearing including the statements submitted by witnesses in support of the Respondent after the March 20, 2017 hearing date ("Supplemental Evidence"), statements of counsel, and testimony of Respondent, as well as the entire record herein, the Hearing Panel consisting of Weldon E. Patterson, Carrie O'Rear and Alyson A. Dyer, makes the following findings of facts and conclusions of law and renders the following judgment in this matter within 30 days of the conclusion of the hearing, pursuant to Tenn. Sup. Ct. R.9 §15.3(a).

I. FINDINGS OF FACT

1. At all material times, Mr. Threadgill did and does possess a Tennessee law license. Mr. Threadgill is therefore subject to the disciplinary procedures set forth in Rule 9 of the *Rules of the Tennessee Supreme Court*.¹

2. On June 6, 2012, Mr. Threadgill was disbarred by order of the Supreme Court of Tennessee for misappropriating client funds and engaging in conduct involving dishonesty, fraud, deceit or misrepresentation.

3. On July 12, 2012, Mr. Threadgill was disbarred a second time by order of the Supreme Court of Tennessee for practicing law while his license was suspended, and misappropriation of client funds.

4. On November 14, 2012, Mr. Threadgill was found guilty, by a jury, on a single-count indictment of attempting to evade or defeat the payment of income taxes.

5. Mr. Threadgill appealed his conviction and, on July 11, 2014, the conviction was affirmed.

6. Mr. Threadgill was sentenced to 51 months imprisonment.

7. The actions resulting in Mr. Threadgill's criminal conviction took place prior to the first two disbarments.

8. On December 13, 2012, the Supreme Court of Tennessee entered an Order of Enforcement referring the matter to the Board for the institution of formal disciplinary proceedings "in which the sole issue to be determined shall be the extent of the final discipline to be imposed as a result of the verdict of guilty." (See Exhibit A to Petition for Final Discipline filed on or about December 17, 2012).

¹ Reference is made in filings to the 2006 Tennessee Supreme Court Rules, the language cited within this judgment references Tenn. Sup. Ct. R. 9 (2014). There are no substantive changes, within the rules cited within this judgment, between 2006 and 2014.

9. Mr. Threadgill has not petitioned the Supreme Court of Tennessee to obtain permission to surrender his license.

10. On or about December 5, 2016, Mr. Threadgill notified the Board of his release from federal prison confinement.

11. At the hearing of this matter, the conviction of Mr. Threadgill was stipulated.

12. The Board presented evidence that the hearing of this matter regarding six sanctions against Mr. Threadgill by the Supreme Court of Tennessee. Such sanctions were as follows:

- a. 1994 - private informal admonition;
- b. 2000 - private informal admonition;
- c. 2009 – one year suspension;
- d. 2010 – informal admonition;
- e. 2012 – disbarment; and
- f. 2012 – second disbarment.

13. The sanctions set forth above were based, in part, on findings of plagiarism, misappropriation of monies belonging to a client or third-party, and charging an unreasonable fee.

14. Mr. Threadgill was licensed to practice law in the State of Tennessee in 1967, and has substantial experience.

15. Mr. Threadgill was provided the opportunity to submit supplemental evidence to this Panel following his attendance at the March 20, 2017 hearing. Such additional evidence includes sworn letters from Norbert Ackermann, Jr., Charles W. B. Fels, R. Culver Schmid and his daughter, Alana Threadgill Armstrong. Furthermore, Mr. Threadgill submitted a portion of

the federal court trial transcript. This Panel has reviewed and given consideration to all such filings.

16. At the hearing of this matter, Mr. Threadgill presented testimony in explanation of his income tax issues which were the subject of the federal court criminal conviction.

17. At the hearing of this matter, Mr. Threadgill submitted testimony regarding the impact his conviction and imprisonment has had upon Mr. Threadgill and his family including missing his son's wedding, missing his son's swearing in as an attorney, and the ultimate destruction of his marriage.

18. At the hearing of this matter, Mr. Threadgill submitted testimony in support of his contention that he has been rehabilitated, desires to help others, and his hope to one day provide pro-bono advice and services in South Carolina.

19. At the hearing of this matter, Mr. Threadgill presented testimony through Robert Gidselmann, and Episcopal rector in a church in Knoxville. Testimony from this witness was in support of Mr. Threadgill's character, reputation, rehabilitation and the repercussions disbarment may have upon Mr. Threadgill and his family.

II. CONCLUSIONS OF LAW

20. John O. Threadgill was found guilty and convicted of a "serious crime" as defined in Tenn. Sup. Ct. R. 9 §2.

21. The policies and rules of the Board of Professional Responsibility of the Supreme Court of Tennessee reference the use of The ABA Standards for Imposing Lawyer Sanctions when determining discipline. (Policies and rules of the Board of Professional Responsibility of the Supreme Court of Tennessee, §1.12).

26. Mr. Threadgill's dishonest or selfish motives are found to be an aggravating factor.

27. A pattern of misconduct is found to be an aggravating factor.

28. Mr. Threadgill's substantial experience in the practice of law is found to be an aggravating factor.

29. Mr. Threadgill's underlying illegal conduct, resulting in his conviction, is found to be an aggravating factor.

30. Mr. Threadgill's character and reputation are found to be mitigating factors.

31. Mr. Threadgill's conviction and time served in federal prison is found to be a penalty or sanction such that it is a mitigating factor.

IV. CONCLUSION OF THE HEARING PANEL

This Hearing Panel is constrained to address the single issue of "final discipline to be imposed" with regard to Mr. Threadgill. While this Panel has given full consideration to the testimony presented as to the general facts concerning Mr. Threadgill's conviction, as well as substantial evidence of rehabilitation, character and reputation, this Panel finds that the facts submitted by the Board falls squarely within standards set forth by the ABA for disbarment. Furthermore, the aggravating factors as described within the conclusions of law outweigh the mitigating factors that have been presented to this panel.

IT IS, THEREFORE, ORDERED by this disciplinary hearing committee impaneled by the Tennessee Supreme Court as follows:

1. John O. Threadgill shall be disbarred from the practice of law, pursuant to *Tennessee Rules of Supreme Court* § 12.1 and 15.4(a).

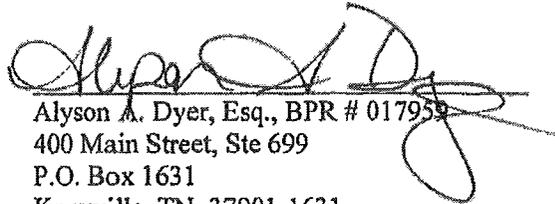
Notice: This Hearing Panel's findings and judgment may be appealed pursuant to Tenn.

Sup. Ct. R. 9 § 33.

Entered this 22nd day of May, 2017.



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CERTIFICATE OF SERVICE

I certify that a true and exact copy of the foregoing has been served upon:

A. Russell Willis, Esq.
Disciplinary Counsel - Litigation
Board of Professional Responsibility
10 Cadillac Drive, Suite 220
Brentwood, TN 37027

John O. Threadgill
1400 Kennesaw Ave., Apt 11S
Knoxville, TN 37919

This 22nd day of May, 2017.


WELDON E. PATTERSON

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing has been sent to Respondent, John O. Threadgill, 1400 Kenesaw Avenue, Apt. 11S, Knoxville, TN 37919 by U.S. First Class Mail, and hand-delivered to A. Russell Willis, Disciplinary Counsel, on this the 22nd day of May 2017.



Rita Webb
Executive Secretary

NOTICE

This judgment may be appealed pursuant to Tenn. Sup. Ct. R. 9, § 1.3 by filing a Petition for Writ of Certiorari, which petition shall be made under oath or affirmation and shall state that it is the first application for the Writ. See Tenn. Code Ann. §§ 27-8-104(a) and 27-8-106.