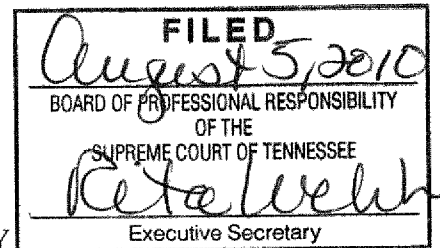


**IN DISCIPLINARY DISTRICT I
OF THE
BOARD OF PROFESSIONAL RESPONSIBILITY
OF THE
SUPREME COURT OF TENNESSEE**



**IN RE: ALEXANDER STEVEN VANBUREN
BPR # 023069, Respondent
An Attorney Licensed and
Admitted to the Practice of
Law in Tennessee
(Washington County)**

DOCKET No. 2010-1895-1-RS

JUDGMENT AND RECOMMENDATION OF THE HEARING PANEL

This matter came to be heard before a duly appointed hearing panel of the Board of Professional Responsibility on July 19, 2010. After reviewing all the evidence and the applicable ABA standards, this Hearing Panel makes the following Findings of Fact and Conclusions of Law.

FINDINGS OF FACT

1. A Petition for Discipline was filed on February 5, 2010.
2. The Petition was sent via regular and certified mail and notification of receipt was returned to the Disciplinary Counsel as unclaimed on February 26, 2010. Section 8.2 of Rule 9 provides that Respondent shall serve his answer upon Disciplinary Counsel and file the original with the Board within twenty days after service of the Petition, unless such time is extended by the Chair. In the event the Respondent fails to answer, the charges shall be deemed admitted; provided, however, that a Respondent who fails to answer within the time provided may obtain permission of the Chair (of the Board) to file an answer if such failure to file an answer was attributable to mistake, inadvertence, surprise or excusable neglect.
3. No answer or response to the Petition for Discipline was filed with the Executive

Secretary of the Board of Professional Responsibility and no answer or response was served on Disciplinary Counsel within the time permitted by Section 8.2 of Rule 9. The time for filing the answer or response was not extended by the Chair of the Board of Professional Responsibility, nor was a request or motion for an extension of time made or filed by Respondent to answer or respond to the Petition for Discipline.

4. On June 11, 2010, the Hearing Panel granted the Board's Motion for Default Judgment.

COMPLAINT OF DANA KEITH: FILE NO. 32499c-1-KB

5. On August 15, 2009, Complainant Dana Keith sent a complaint to the Consumer Assistance Program of Board of Professional Responsibility alleging ethical misconduct by Respondent. A true and exact copy of the August 15, 2009 complaint letter is attached to the Petition for Discipline as Exhibit B.

6. On August 20, 2009, the Consumer Assistance Program sent a copy of the complaint and a request for a response in a letter to Respondent. A true and exact copy of the August 20, 2009 letter is attached to the Petition for Discipline as Exhibit C.

7. After receiving no response, on September 3, 2009, the Consumer Assistance Program sent a second request for a response in a letter to Respondent. A true and exact copy of the September 3, 2009 letter is attached to the Petition for Discipline as Exhibit D.

8. On September 16, 2009, the complaint was referred to the Disciplinary Counsel and designated File No. 32499c-1-KB.

9. On September 23, 2009, Disciplinary Counsel sent a copy of the complaint and a request for a response in a letter to Respondent. A true and exact copy of the September 23, 2009 letter is attached to the Petition for Discipline as Exhibit E.

10. On October 8, 2009, Disciplinary Counsel sent a Notice of Temporary Suspension to the Respondent. True and exact copies of the October 8, 2009 Notices are attached to the Petition for Discipline as Exhibit F.

11. Respondent has yet to respond to the complaint.

12. On October 1, 2007, Complainant paid Respondent a \$1,500.00 retainer for representation in a contempt proceeding against the father of Complainant's child.

13. Respondent drafted a proposed Motion to Show Cause and wrote one letter to Complainant on March 17, 2008.

14. The Respondent promised many times to get a court date in the matter but never did.

15. Complainant has been unable to contact Respondent since that time and states that Respondent's business phone is disconnected and his office has been vacated.

16. The Respondent has abandoned his practice and his clients.

17. The Respondent failed to return his clients' files to them.

18. The acts and omissions by the Respondent as set forth in paragraphs above related to the complaint filed by Dana Keith constitute ethical misconduct in violation of the following Rules of Professional Conduct: 1.3, Diligence; 1.4, Communication; 1.16, Declining and Terminating Representation; 8.1(b), Bar Admission and Disciplinary Matters; and 8.4(a)(d), Misconduct.

COMPLAINT OF BOB KEITH: FILE NO. 32591c-1-KB

19. On September 10, 2009, Complainant Bob Keith sent a complaint to the Consumer Assistance Program of Board of Professional Responsibility alleging ethical misconduct by Respondent. A true and exact copy of the September 10, 2009 complaint letter is

attached to the Petition for Discipline as Exhibit G.

20. On September 22, 2009, the Consumer Assistance Program sent a copy of the complaint and a request for a response in a letter to Respondent. A true and exact copy of the September 22, 2009 letter is attached to the Petition for Discipline as Exhibit H.

21. After receiving no response, on October 7, 2009, the Consumer Assistance Program sent a second request for a response in a letter to Respondent. A true and exact copy of the October 7, 2009 letter is attached to the Petition for Discipline as Exhibit I.

22. On October 28, 2009, the complaint was referred to the Disciplinary Counsel and designated File No. 32591c-1-KB.

23. On November 3, 2009, Disciplinary Counsel sent a copy of the complaint and a request for a response in a letter to Respondent. A true and exact copy of the November 3, 2009 letter is attached to the Petition for Discipline as Exhibit J.

24. Respondent has yet to respond to the complaint.

25. Complainant's company, Casey Well Drilling & Pump Service, hired Respondent to represent it in a civil action on or about June, 2007.

26. Respondent filed a Complaint on behalf of Casey Well Drilling & Pump Service but failed to obtain proper service or reissue the summons issued June 21, 2007.

27. Initially, Respondent had frequent communications and meetings with the company, but that communication had ceased in January, 2009.

28. Complainant attempted to contact Respondent but learned that his phone had been disconnected and his office had been vacated.

29. On February 17, 2009, the Court entered an Order of Dismissal without prejudice for failure to prosecute the case.

30. Complainant has been unable to obtain his file from the Respondent.

31. The Respondent has abandoned his practice and his clients.

32. The acts and omissions by the Respondent as set forth in paragraphs above related to the complaint filed by Bob Keith constitute ethical misconduct in violation of the following Rules of Professional Conduct: 1.3, Diligence; 1.4, Communication; 1.16, Declining and Terminating Representation; 8.1(b), Bar Admission and Disciplinary Matters; and 8.4(a)(d), Misconduct.

CONCLUSIONS OF LAW

33. The Respondent failed to communicate with the Board, failed to communicate with his clients, and failed to diligently represent his clients.

34. The Respondent violated RPC 1.3 by failing to represent to diligently represent his clients. The Respondent failed to pursue the legal matters of the Complainants as has been set forth above, and abandoned his clients with little or no explanation.

35. The Respondent violated RPC 1.4 by failing to communicate with his clients. As detailed above, the Respondent abandoned the representation of each of the Complainants and failed to inform the Complainants of the status of their matters or of his ceasing representation.

36. The Respondent violated Rule 1.16 by failing to properly withdraw from the representation of the Complainants and failing to properly terminate each attorney-client relationship by giving the Complainant's reasonable notice, promptly surrendering papers and property to the Complainants, promptly surrendering work product, and promptly refunding any monies owed to the client.

37. The Respondent violated Rule 8.1(b) by failing to respond to the Board's request for information.

38. The Respondent violated Rule 8.4(a) of the Rules of Professional Conduct by violating all of the rules set forth above.

39. The Respondent's abandonment of his practice and his clients, including the Complainants, violates RPC 8.4(d) because it is conduct that is prejudicial to the administration of justice.

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

41. Section 4.42 of the ABA Standards state:

Suspension is generally appropriate when:

(a) a lawyer knowingly fails to perform services for a client and causes injury or potential injury to a client, or

(b) a lawyer engages in a pattern of neglect and causes injury or potential injury to a client.

42. Section 4.42 is applicable in this case.

43. Section 7.2 of the ABA Standards states:

Suspension is generally appropriate when a lawyer knowingly engages in conduct that is a violation of a duty owed to the profession, and causes injury or potential injury to a client, the public or the legal system.

44. Section 7.2 of the ABA Standards is applicable in this case.

JUDGMENT

76. Based on all the evidence before the panel, including the Petition for Discipline, the facts within those Petitions that have been deemed admitted in light of the Respondent's default, based on the applicable ABA Standards, the Panel recommends that the Respondent be suspended for a period of eighteen (18) months.

77. The Panel further finds that, as a condition to the Respondent's reinstatement to the practice of law, the Respondent must pay all the costs associated with this disciplinary

proceeding.

ENTERED ON THIS THE 3rd DAY OF August, 2010.

J. Paul Frye
Joseph Paul Frye

Margaret Burns Fugate

Andrew Todd Wampler by
Andrew Todd Wampler *perman 8/13/10*
ATW